

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION, 1999
VOL. 2



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WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1999 Organizational Session of the Legislature of Alabama and is the official publication of such acts.

Jim Bennett
Secretary of State

PREFACE

The right of open access to the public record is fundamental to the operation of a democracy. This access provides citizens with the ability to examine, on their own and absent the interpretation of others, the actions of their elected representatives. Through this examination, citizens make informed, and better decisions, about the character of the government. The *Acts of the Alabama Legislature* provides a detailed account of the actions of the state legislature during 1999. Its pages continue our nation's long-standing tradition of a responsive government that encourages a constant and vigilant review by its citizens.

I hope you find the *Acts of the Alabama Legislature* informative.

Jim Bennett
Secretary of State

Act No. 99-406

S. 503 – Senator McClain

AN ACT

To provide that a subject county, a county in the state having a population of 500,000 or more according to the last or any subsequent federal census, for licensing business and other entities operating in such county, for levying license taxes as a condition of the use of such licenses, and for levying an occupational tax on natural persons based on compensation for work performed in a subject county; to define the terms used throughout this act and needed for the integral relationship of its various parts and to provide rules of construction; to make legislative findings justifying this act as a general law needed to provide a fair and comprehensive source of revenue for the largest metropolitan counties of the state and to provide an alternative to license tax statutes that have, with the passage of time, become a source of dissatisfaction among different classes of taxpayers in a subject county; to provide a subject county to license businesses and other entities operating in its territory and to levy and collect license taxes on such entities; to provide that the power to license businesses and other entities and to levy license taxes under this act shall be used by a subject county in the exercise of its police power or to raise revenue or both; to provide for the enforcement of such licenses and the collection of such license taxes by a subject county; to delimit the power of a subject county to levy license taxes and to identify the licensable entities upon which such taxes can be levied; to limit future increases in the rate of license taxes levied by a subject county pursuant to this act; to provide for subject county to levy and collect an occupational tax on the compensation earned by natural persons from work performed in the territory of the subject county; to provide that such occupational tax shall be used by a subject county only to raise revenue and not in the exercise of its police power; to require that the occupational tax be levied uniformly on all natural persons performing work in the subject county, including regulated professionals such as lawyers, physicians, accountants, engineers, etc. who are exempt from any occupational taxes levied pursuant to said Act 406; to limit the rate of the occupational tax levied pursuant to this act; to supersede the effect of certain state laws that would otherwise exempt regulated professionals and certain other persons from the occupational tax levied pursuant to this act; to provide that if a subject county has previously pledged and appropriated proceeds of an occupational tax levied under said Act 406 for the payment of bonds of a public corporation created under Amendment 280 to the Constitution of Alabama, then the levy of a new occupational tax pursuant to this act, which would supersede the levy of the Act 406 occupational tax, shall not be effective unless the subject county pledges proceeds of such new tax in such amount and in such manner that will satisfy the conditions and covenants previously agreed to by such county for the security of such bonds; to define the nature of the compensation that will be subject to an occupational tax levied pursuant to this act; to provide that certain occupation expenses and retirement contributions shall be deducted from compensation in computing the occupational tax to provide a credit against the occupational tax for license taxes and other fees paid to the state by regulated professions; to provide that compensation earned outside a subject county shall not be subject to the occupational tax; to provide for the withholding by employers of the occupational tax due from employees whose compensation is subject to withholding of federal income taxes; to provide for refunds to taxpayers from whom excessive amounts of occupational tax are withheld by their employers; to provide for the filing of annual returns and the payment of occupational tax with respect to compensation that is not subject to withholding of federal income taxes; to empower a subject county to adopt rules and regulations for the administration and enforcement of license taxes and the occupational tax; to provide specific enforcement powers to the governing body and director of revenue of a subject county; to provide for the imposition of penalties and interest with respect to overdue license

and occupational taxes; to require that information obtained from taxpayers shall be kept confidential and to provide for the punishment of violations of this requirement; to provide that, as additional enforcement powers, the governing body and director of revenue of a subject county shall have the same rights, remedies, power and authority with respect to the administration, enforcement and collection of license taxes and the occupational tax as would be available to the Alabama Department of Revenue if such taxes were being administered, enforced and collected by that department; to validate any defect in the previous levy and collection of occupational taxes under said Act 406 to the extent that such validation is not unconstitutional; to give a subject county the right to pledge proceeds of license taxes and the occupational tax as source of payment for, or as security for the payment of, debt service on any bonds, notes, warrants or other obligations of the subject county; to provide for the publication of a notice concerning the levy of any tax under this act by a subject county and to provide further (i) that any action challenging the legality or constitutional validity of this act, or the legality or constitutional validity of such tax, will be barred unless commenced in a court of competent jurisdiction within a period of ninety days after the end of the calendar month in which occurs the second publication of such notice and (ii) that the trial and appeal of any legal action filed within the time allowed by such notice shall be expeditiously handled by the courts; and to provide that the provisions of this act shall not be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Applicability of the Act. This act shall apply to any subject county of the State of Alabama having a population of 500,000 or more, according to the last or any subsequent federal census, and to no other county.

Section 2. Definitions and Rules of Construction. (a) For purposes of this act, the following terms shall have the respective meanings ascribed by this section:

(1) ACT 406. Act No. 406 enacted at the 1967 regular session of the Legislature of Alabama, as heretofore or hereafter amended.

(2) ACT 406 LICENSE TAX. Any privilege or license tax levied by a subject county pursuant to Act 406 on any business entity or natural person for the conduct of a business activity, but not including any occupational tax levied by such subject county on the personal compensation derived by any natural person from performing his or her vocation, occupation, calling or profession.

(3) ACT 406 OCCUPATIONAL TAX. Any privilege or license tax levied by a subject county pursuant to Act 406 on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling or profession.

(4) BUSINESS ORGANIZATION. Any private corporation (including an income pass-through corporation), partnership, limited liability company, limited liability partnership, trust, estate, or any other form of private business organization other than a sole proprietorship.

(5) CHAPTER 12 COUNTY LICENSE TAX. Any license tax, or any portion of any license tax, levied for the benefit of a subject

county pursuant to the provisions of Article 1 and Article 2 of Chapter 12 of Title 40 of the Code of Alabama 1975, it being specifically understood that this term does not embrace any license tax or portion thereof levied for the benefit of the State of Alabama pursuant to any of the provisions of said Chapter 12.

(6) **COMPENSATION.** When used with reference to an occupational taxpayer, this term means the compensation that such taxpayer receives for work or service performed in the subject county or for any occupation or profession conducted in the subject county and that is determined in accordance with the conditions and limitations of Section 8 of this act.

(7) **CORPORATION.** Any corporation, whether for profit or not-for-profit, organized under the laws of the United States or any state or political subdivision thereof or under the laws of any foreign country or political subdivision thereof, including any association or joint stock company.

(8) **COUNTY COMMISSION.** The county commission of a subject county or any other form of governing body of a subject county that may at any time be in lawful effect.

(9) **EMPLOYER RETIREMENT CONTRIBUTIONS.** When used with reference to any occupational taxpayer as the employee of an employer, this term means any contributions made by the employer to all pension, retirement or deferred compensation plans for the benefit of the employee if such contributions, at the time they are made by the employer, are not required to be recognized by the benefited employee as income for federal income tax purposes.

(10) **EXTRATERRITORIAL COMPENSATION.** When used with reference to any occupational taxpayer, this term means any compensation of such taxpayer attributable to work or service performed outside the territory of the subject county levying such tax.

(11) **GOVERNMENTAL ENTITY.** This term includes the United States of America, every department and agency thereof, and every corporation or other entity created or controlled thereby; the State of Alabama, every municipality and county thereof (including the subject county), and every public corporation, board, authority, commission, or other agency created under the laws of such state or organized with the approval of the governing body of one or more political subdivisions thereof; and every state and territory of the United States and every foreign country and every agency or entity created or controlled by any thereof who have employees who work in the subject county.

(12) **INCOME PASS-THROUGH CORPORATION.** A corporation that elects to be taxed under Subchapter S of Chapter 1 of Subtitle A of the United States Internal Revenue Code.

(13) **LICENSABLE ENTITY.** Any legal entity, as determined in accordance with Section 5 hereof, which may be licensed by a subject county and made subject to a license tax pursuant to the provisions of this act.

(14) **LICENSE TAX.** Any privilege or license tax levied on a licensable entity in connection with the licensure of such entity by a subject county pursuant to the provisions of this act.

(15) **MEDICARE TAX INCOME.** When used with reference to any occupational taxpayer, this term means the portion, which may be all, of such taxpayer's compensation that is subject to the hospital insurance component of the employment tax imposed by the Federal Insurance Contributions Act.

(16) **NATURAL PERSON.** Any individual human being.

(17) **NET PROFIT.** When used with reference to an occupational taxpayer, this term means the earnings of such taxpayer during any tax year that do not constitute withholding tax compensation and are determined in accordance with the provisions of Section 8 of this act.

(18) **OCCUPATION EXPENSES.** When used with reference to any occupational taxpayer, this term means any expenses related to the occupation of such taxpayer (i) that are incurred and paid by such taxpayer without reimbursement thereof by his or her employer, if any, (ii) that are attributable to work performed by such taxpayer within the subject county as more specifically determined in accordance with the provisions of Section 9(b) of this act, and (iii) that, in determining such taxpayer's federal income tax, are deductible from his or her gross income or would be deductible from gross income in the absence of some threshold or maximum limit imposed by federal tax law on the basis of such person's adjusted gross income.

(19) **OCCUPATIONAL TAX.** The privilege tax on a natural person's receipt of earned compensation that is levied by a subject county pursuant to the provisions of this act.

(20) **OCCUPATIONAL TAX CREDIT.** When used with reference to an occupational taxpayer, this term means the amount of any license or privilege tax or regulatory fee, excluding any interest and penalties, that such taxpayer is required by law to pay to the State of Alabama or any regulatory agency thereof in any tax year pursuant to (i) any provision of Article 2 of Chapter 12 of Title 40 of the Code of Alabama 1975, (ii) any provision of Title 34 of the Code of Alabama 1975, or (iii) any successor or different provision of law that levies a license or privilege tax or a regulatory fee as a revenue producing charge on the conduct of any occupation or profession or as a condition of the right to conduct any occupation or profession; provided that in any case where a taxpayer entitled to an occupational tax credit works

both inside and outside the subject county during a tax year, the occupational tax credit shall be reduced by the amount thereof attributable to extraterritorial compensation as provided in Section 9(b) of this act.

(21) **OCCUPATIONAL TAXPAYER.** Any natural person subject to an occupational tax imposed by a subject county pursuant to the provisions of this act.

(22) **REVENUE DIRECTOR.** The officer of a subject county responsible for collecting license taxes.

(23) **SOLE PROPRIETORSHIP.** Any business, occupation or profession conducted by a single natural person who is the legal entity through which such business, occupation or profession is conducted.

(24) **SUBJECT COUNTY.** Any county having a population of 500,000 or more to which this act applies.

(25) **TAX YEAR.** The calendar year or, in the case of an occupational taxpayer who dies, a period of less than 12 months beginning on January 1 and ending on the date of death of such taxpayer in such calendar year; provided that if during any calendar year a subject county levies an occupational tax for any period less than the whole of such calendar year, the portion of such calendar year during which the occupational tax is levied shall be deemed a tax year for purposes of this act.

(26) **TAXPAYER RETIREMENT CONTRIBUTIONS.** When used with reference to any occupational taxpayer, this term means any contributions made by such taxpayer to any pension or retirement plan or individual retirement account if such contributions are, in whole or major part, deductible under federal income tax law from the gross income of such taxpayer or if withdrawals from such plan or account are, in whole or major part, not includable under federal income tax law in the gross income of such taxpayer; provided that in any case where the taxpayer works both inside and outside the subject county during a tax year, the taxpayer retirement contributions shall be reduced by the amount thereof attributable to extraterritorial compensation as provided in Section 9(b) of this act.

(27) **UNIFORM BUSINESS LICENSE STATUTE.** Any general law enacted by the Legislature after the effective date of this act that provides for, among other things, a generally uniform and statewide approach to the licensing of businesses and the imposition of license taxes, a uniform business classification system for the purpose of licensing businesses, and uniform measures for determining the delinquency of business licenses and providing remedies for such delinquency.

(28) **WITHHOLDING TAX COMPENSATION.** When used with reference to an occupational taxpayer, this term means the portion, if any, of the taxpayer's total compensation for the applicable time period that was or is subject to withholding of federal income tax.

(b) For the purposes of this act, except as otherwise expressly provided or unless the context otherwise requires, the following rules of construction shall apply:

(1) Words of masculine, feminine or neuter gender shall mean and include the correlative words of other genders, and words importing the singular number shall mean and include the plural number, and vice versa.

(2) All captions or headings of articles, sections or other subdivisions in this act are used for reference only and in no way limit or describe the scope or intent of, or in any way affect, the meaning of this act.

(3) The terms "include", "including" and similar terms shall be construed as if followed by the phrase "without limited to".

(4) The terms "herein", "hereof" and "hereunder" and other words of similar import refer to this act as a whole and not to any particular article, section or other subdivision thereof.

Section 3. Legislative Findings. In order to set forth rational relationships among the provisions of this act, the special revenue needs of metropolitan counties having a population of 500,000 or more, and the history and current condition of business license taxes and occupational taxes in such counties, the Legislature hereby finds and determines as follows:

(a) Under the Constitution of Alabama, the counties of the state have only such power to levy license or excise taxes on various economic activities and transactions as may be conferred by statutes duly enacted by the Legislature. While each and every municipality is given the power by general statute (Code of Alabama 1975, § 11-51-90) to levy license taxes on any business, occupation or profession that may be engaged in or carried on in such municipality, there is no general statute applicable to each and every county that confers a comparably broad power to levy license taxes on any business, occupation or profession that may be engaged in or carried on in such county.

(b) For more than 60 years the Legislature has imposed license taxes for state revenue purposes on certain enumerated businesses, occupations and professions pursuant to a state license code that is now codified in Articles 1 and 2, Chapter 12, Title 40 of the Code of Alabama 1975 (the "State License Code"). Initially enacted in 1927 as part of the Tucker Act (Ala. Acts, 1927, Act No. 163) and reenacted in essentially its current form as part of the comprehensive 1935 Revenue Act (Ala. Acts, 1935, Act No. 194), the State License Code imposes a license tax on the learned professions regulated by the state and on a variety of other businesses and occupations, but it

failed to tax many businesses when initially enacted, and the number and variety of those omitted from taxation have increased with the proliferation of new and different economic activities since 1927.

(c) In order to broaden and equalize the burden of taxation in metropolitan counties having a population of 500,000 or more, the Legislature enacted Act 406 at its 1967 regular session. This act empowered a county within the population classification, a subject county under this act, to levy a license or privilege tax upon any person (including any natural person, corporation or other entity) for engaging in any business, vocation, occupation, calling or profession for which such person is not required by law to pay any license or privilege tax to either the State of Alabama or the subject county. The exemption of persons already paying a license tax to the state placed beyond the reach of Act 406 a number of businesses that paid anachronistically small license taxes under the State License Code, as well as all members of the learned or regulated professions who are required to obtain licenses from the state.

(d) Act 406 is now used by a subject county, and has been so used since 1968, as the statutory authority for levying business license taxes on all businesses in the county that are not already taxed by the state under the State License Code. The county license taxes fixed by the State License Code and levied thereunder in association with state license taxes are, by contemporary standards, irrationally small in relation to the business license taxes now levied by a subject county pursuant to Act 406.

(e) In 1988 a subject county used Act 406 as the statutory authority for imposing an occupational tax, computed as one-half percent of compensation earned in the county, on all natural persons working in the county who were not exempt under Act 406 by reason of prior taxation by the state under the State License Code. All learned and regulated professions whose members pay a license tax to the state escaped the burden of this occupational tax. The exemption of learned and regulated professions, many of whom earn relatively high incomes, has led to invidious divisions among the people of the subject county and protracted legal actions challenging the constitutional validity of the exemptions mandated by Act 406.

(f) In *Bedingfield v. Jefferson County*, 527 So. 2d 1270 (Ala. 1988), the Supreme Court of Alabama held that Act 406 is a general law, even though applying only to a county having a population of 500,000 or more, because there is a reasonable relationship between its population classification and its purpose of providing metropolitan counties with a source of revenue beyond that required by less populous counties. This act must likewise be deemed a general act which is needed to broaden the power of a subject county (i) to levy fair and uniform license taxes

upon all businesses that are similar in size and nature and (ii) to levy an occupational tax that equally embraces the entire working population of a subject county. It is needed to provide enhanced revenue for the ever challenging urban problems of a subject county and to resolve the protracted legal challenges to exemptions from the burden of the Act 406 occupational tax that are perceived as unfair.

Section 4. Power of Subject County to License Businesses and to Levy License Taxes.

(a) Subject to all conditions contained in this act, the county commission of a subject county shall license any licensable entity operating within the territory of the subject county on such reasonable terms as it may determine to be necessary for the protection and welfare of the people of the subject county, and in connection with the exercise of this licensing power, the county commission shall impose a license tax on each licensable entity and require the payment thereof as a condition for the use of the license associated therewith. In the exercise of a subject county's police power, the county commission shall provide by ordinance that it shall be unlawful for any licensable entity to engage in any business in the subject county without first having procured an applicable license therefor and having paid any related license tax. The county commission shall implement the licensing authority hereby conferred by adopting and enforcing ordinances and regulations (i) which define offenses relating to the failure to obtain licenses and to pay license taxes in accordance with applicable law and regulations and the failure to comply with the terms of such licenses (including making it a separate offense for each day or other appropriate period for which any such failure shall be continued) and (ii) which provide reasonable fines and punishments of imprisonment for intentional violations of the law and regulations governing licenses and license taxes imposed under the authority of this act. In addition to enforcing the payment of license taxes in accordance with the provisions of this act and other applicable law, the county commission shall enforce compliance with a license, or punish a licensable entity, or any person exercising executive authority over the affairs thereof, for obtaining a license on the basis of false information, or for failing to obtain a license or to comply with the terms thereof, by pursuing one or more of the following remedies: (i) obtaining an injunction from a court of competent jurisdiction against the continued failure of a licensable entity to obtain a license or to comply with the terms thereof; (ii) prosecuting a licensable entity, or any person exercising executive authority over the affairs thereof, for any wrongful act relating to a license that is punishable under any applicable criminal law of the state intended for the enforcement of lawful county ordinances; and (iii) prosecuting in accordance with the criminal

procedure of state law a licensable entity, or any person exercising executive authority over the affairs thereof, under the penal provisions adopted by the county commission for the enforcement of a license and the payment of any license tax associated therewith.

(b) In addition to withdrawing the authority of a subject county to license businesses and levy license taxes under Act 406, the initial use of this act by a subject county to license any business or other entity or to levy any license tax shall automatically cause the cessation of the levy and collection of all Chapter 12 county license taxes for the benefit of the subject county. From and after the effective date of this act, no license taxes shall be levied and collected for the benefit of such county under the provisions of Section 40-12-2, Section 40-12-3, and Article 2 of Chapter 12 of Title 40 of the Code of Alabama 1975 (except for the collection of Chapter 12 county license taxes theretofore accrued and remaining unpaid) and such provisions of state law shall be permanently inapplicable to such county. Nothing contained in this act shall be deemed to supersede or affect the provisions of Section 40-12-2, Section 40-12-3, and Article 2 of Chapter 12 of Title 40 of the Code of Alabama 1975 insofar as they apply to any county of the state that is not a subject county, or to any subject county that has made no initial use of the provisions of this act, and such code provisions shall continue in full force and effect with respect to all such counties.

(c) It is hereby expressly declared that when a subject county licenses any entity or levies any license tax under the provisions of this act, then the provisions of Act 406 and the provisions of Title 40, Chapter 12, Articles 1 and 2 of the Code of Alabama 1975 shall have no applicability to license taxes, or any part thereof, levied or received by such subject county, irrespective of whether such provisions would otherwise confer a benefit upon such subject county or impose a limitation upon its power to levy license taxes; provided, however, that the appropriate officials of a subject county shall continue to administer the collection of license taxes owing to the state as and to the extent provided in Title 40, Chapter 12, Articles 1 and 2 of the Code of Alabama 1975; provided further that such licensure shall not be deemed to exclude the effect or limit the applicability of any provisions of a uniform business license statute that can be reasonably interpreted to apply to the subject county within the purview of this act, and such statute shall apply to the subject county to the extent of the intentment thereof. As a consequence of the levy of one or more license taxes of any kind, such subject county shall thereafter have unified authority under this act to impose a comprehensive and equitable system of license taxes on all licensable entities conducting business in such county.

(e) It is hereby expressly declared that the power to levy license taxes pursuant to this act shall be limited to the licensing

of businesses and other licensable entities as and to the extent herein provided, and nothing herein contained shall be construed to permit a subject county, by making use of the power to levy license taxes conferred by this act, to levy any kind of privilege, excise, license, or other form of occupational tax on the compensation derived by natural persons from any occupation or profession, other than the occupational tax that may be levied in accordance with the express terms of this act.

(f) The revenue director of a subject county shall be responsible for administering the issuance of all licenses imposed under this act and the collection of all license taxes levied in connection therewith. All proceeds of such taxes shall be disbursed in accordance with lawful appropriations made by the county commission.

Section 5. Conditions Respecting the Levy of License Taxes.

(a) Subject to the conditions and limitations set forth in this act, the Legislature hereby delegates to the county commission of a subject county all reasonable and necessary power (i) to establish classifications among licensable entities for the purpose of requiring licenses and imposing license taxes and (ii) to determine, and from time to time modify, the rate of license tax levied upon each classification of licensable entity.

(b) A subject county shall license, and levy license taxes upon, licensable entities, which shall include:

(i) any private corporation (including an income pass-through corporation), partnership, limited liability company, limited liability partnership, trust, estate, or any other form of for-profit private organization (other than a sole proprietorship) conducting business or operations in the subject county;

(ii) any sole proprietorship operating in the subject county if the natural person constituting such proprietorship is not at the time subject to an Act 406 occupational tax (if at the time Act 406 continues in effect with respect to the levy of an occupational tax) or an occupational tax levied pursuant to this act; and

(iii) any other legal entity conducting business or operations in the subject county, whether governmental or not-for-profit, unless such entity is specifically excluded from being a licensable entity as provided in subsection (c) of this section.

Any licensable entity shall be subject to a license tax as a separate entity notwithstanding the levy of an occupational tax on the employees of such entity pursuant to Act 406 or this act, even though under applicable federal or state tax law all or part of the net income of such licensable entity shall be imputed to one or more of its employees by reason of their ownership of such entity.

(c) The following entities shall not constitute licensable entities and shall not be subject to any license tax levied under this act (except under certain conditions as hereinafter provided):

(i) the United States of America, every department and agency thereof, and every corporation or other entity controlled thereby; provided that a license tax may be levied on any of the foregoing entities if the laws of the United States permit state or local governments to impose on any such entity license taxes of the kind authorized by this act;

(ii) the State of Alabama, every municipality and county thereof, and every public corporation, board, authority, commission, or other agency created under the laws of said state or organized with the approval of the governing body of one or more political subdivisions thereof; provided that a license tax may be levied on any of the foregoing entities if they are operating a proprietary business in the subject county and the laws of the State of Alabama permit the levy of such tax;

(iii) any church, religious organization, school, college, university, hospital, nursing home, retirement facility, shelter or other facility or organization that performs a charitable, humanitarian or educational function and the income of which is not subject to taxation by either the United States of America or the State of Alabama; provided that not-for-profit hospitals, nursing homes, and retirement facilities may, in the discretion of the county commission, be required to pay a license tax according to the same rate schedules that respectively apply to for-profit hospitals, nursing homes and retirement facilities;

(iv) any financial institution that is exempt from excise taxation by a county pursuant to Section 40-16-6 of Code of Alabama 1975;

(v) any insurer or insurance company that is exempt from license or privilege taxation by a county pursuant to Section 27-4-5 of Code of Alabama 1975; and

(vi) any business organization that is exempt from license or privilege taxation by a county pursuant to Title 40, Chapter 21, Article 2 of Code of Alabama 1975.

(d) A subject county shall levy license taxes on businesses that, prior to the levy of license taxes pursuant to this act, were subject to Chapter 12 county license taxes and may classify such businesses for taxation at rates comparable to the business license taxes that such subject county previously levied on similar businesses pursuant to Act 406. It is hereby expressly recognized that businesses previously subject to Chapter 12 county license taxes

will pay increased license taxes if they are taxed under this act at rates comparable to the rates paid by similar businesses pursuant to Act 406. Except for such an increase in the license taxes of businesses not previously taxed under Act 406, any license taxes first levied under this act shall not be levied at rates higher than the equivalent Act 406 license taxes for a period of three calendar years beginning at the end of the calendar year in which this act shall become effective. Thereafter, during each quadrennium for which a county commission shall serve in office, the rate of any license tax shall not be increased by more than five percent (5%), unless the county commission determines that a greater rate increase is justified in connection with the exercise of its police power. Any limitation on increases in the rate of license taxes herein contained shall not be construed to prohibit the imposition of license taxes on licensable entities that were not subject to taxation by the subject county prior to the effective date of this act. Any business license tax levied pursuant to this act shall not be deemed an occupational tax.

(e) Notwithstanding the provisions of subsection (d), no business license tax shall be increased in excess of the tax currently being levied in Act 406 for a three-year period and no business license tax shall be increased by more than five percent in any four-year period.

Section 6. Power of Subject County to Levy Occupational Tax. (a) Subject to all conditions contained in this act, the county commission of a subject county shall levy and collect a privilege tax on the receipt of compensation by a natural person from any occupation or profession conducted within the territory of the subject county. The rate of any occupational tax levied pursuant to this act shall not exceed forty-six one hundredths of one percent (.0046) of the compensation subject to the tax. An occupational tax shall not be levied by a subject county pursuant to this act in the exercise of its police power or in aid of such police power. The failure of any natural person to pay an occupational tax to which he or she is subject shall accrue a liability for such tax, but such failure shall not otherwise make it unlawful for such person to conduct his occupation or profession.

(b) In recognition of the administrative burden of collecting an occupational tax on the compensation of domestic and occasional workers, the county commission of a subject county shall have the discretion to exempt from such tax the compensation of (i) workers who are not employed by a business organization and who perform work in private homes of a domestic nature and (ii) individuals who perform miscellaneous or occasional services without being the employee of a business organization and without such services

constituting full-time self employment. Except for the foregoing permitted exemptions, any occupational tax levied pursuant to this act shall apply at the same rate to all occupations and professions conducted within the territory of the subject county, irrespective of whether the taxpayers subject to such tax are self-employed or are employed by any business organization, governmental entity, not-for-profit organization or other kind of employer. The imposition of a license tax on any entity pursuant to Act 406 or this act shall not relieve any employee of such entity from the full obligation to pay any occupational tax.

(c) The applicability of any occupational tax levied pursuant to this act shall not be subject to any restriction or prohibition now contained in any law of the State of Alabama against the levy by a county of any license, privilege or excise tax on the wages or other compensation received by a natural person from an occupation or profession that, pursuant to other laws, is subject to a license or privilege tax or regulatory fee imposed by the State of Alabama or a county. Notwithstanding those provisions of Title 40, Chapter 12, Article 2 of Code of Alabama 1975 that state no license tax on certain regulated professions shall be paid to a county, any occupational tax levied pursuant to this act shall apply to the compensation received by all natural persons conducting any regulated profession, irrespective of whether they pay license taxes or regulatory fees to the State of Alabama, including, without limitation, lawyers, physicians, accountants, engineers, architects, veterinarians, and real estate brokers or agents.

Section 7. Protection of Outstanding Bonds Payable From a Pledge of Act 406 Occupational Taxes. (a) If a subject county is levying an Act 406 occupational tax when it levies an occupational tax under this act, and if any proceeds of such previously levied Act 406 occupational tax have been pledged for the payment of outstanding bonds or other obligations issued by a public corporation created under Amendment No. 280 to the Constitution of Alabama, then, in such case, such subject county shall levy an occupational tax under this act only if it supersedes the Act 406 occupational tax previously levied in a manner that, immediately and without interruption, fully satisfies all pledges, debt service coverage requirements, covenants and other legal conditions that protect the rights of the holders of such bonds or other obligations. A subject county shall pledge and appropriate so much of the proceeds of an occupational tax to the payment of the principal of and the interest and premium (if any) on such principal amount of bonds or other obligations of a public corporation created under Amendment No. 280 to the Constitution of Alabama, for such period of time in excess of the fiscal year in which such pledge and

appropriation is made, as the county commission shall determine to be necessary or desirable, including, without limitation, bonds or other obligations issued prior to the effective date of this act that are payable, in whole or in part, from a pledge and appropriation of proceeds of a previously levied Act 406 occupational tax.

(b) If any outstanding bonds or other obligations of a public corporation created under Amendment No. 280 to the Constitution of Alabama are payable, in whole or in part, from a pledge and appropriation made by a subject county of proceeds of a previously levied Act 406 occupational tax, any occupational tax levied under this act shall not be effective unless and until such subject county shall have taken all legal actions necessary to secure the full and prompt payment of such bonds or other obligations by a substitute pledge and appropriation of proceeds of the occupational tax levied under this act that satisfies all legal rights of the holders of such bonds or other obligations. If any occupational tax that is the subject of such a substitute pledge and appropriation shall be invalidated by a court of competent jurisdiction from which no further appeal can be taken, then the superseded Act 406 occupational tax shall be fully reinstated and Act 406 shall be given uninterrupted full force and effect with respect to the levy and collection of such Act 406 occupational tax as if the invalidated occupational tax had never been levied, all to the end that sufficient proceeds of such Act 406 occupational tax shall be available to the subject county to discharge its governmental responsibilities and to fulfill the pledge and appropriation made for the payment of such bonds or other obligations.

(c) Notwithstanding the provisions of subsections (a) and (b) the pledge made by the Jefferson County Commission to pay the outstanding bonds or other obligations owing on the Birmingham/Jefferson County Civic Center is extended to the year 2038.

Section 8. Determination of Compensation Subject to an Occupational Tax. (a) Any occupational tax levied pursuant to this act shall be levied on the compensation that any natural person receives for work or service performed in the subject county or for any occupation or profession to the extent that it is conducted in the subject county. Subject to the exclusions described in subsection (b) of this section, the following shall constitute compensation subject to an occupational tax:

(i) wages and other payments that are received by an employee for work or service performed for an employer and that are subject to withholding by the employer of federal income tax;

(ii) the net profit derived by a natural person with respect to the performance of work or service or the conduct of an occupation

or profession through the instrumentality of a business organization in which such natural person is the beneficial owner of an interest in the equity, assets or profits of such business organization, which net profit shall be in addition to all withholding tax compensation received by such natural person; and

(iii) the net profit earned by a natural person from self-employment conducted as a sole proprietorship. For purposes of determining compensation subject to an occupational tax, net profit shall mean the earnings during any tax year of a natural person that are derived from self-employment or from a business, occupation or profession, that are in addition to the withholding tax compensation of such person for such tax year, and that, without limitation thereto, are reported or reportable on (i) Schedule C (Internal Revenue Form 1040), Profit or Loss from Business (Sole Proprietorship), (ii) Schedule C-EZ (Internal Revenue Form 1040), Net Profit from Business (Sole Proprietorship), (iii) Schedule K-1 (Internal Revenue Form 1065), Partner's Share of Income, Credits, Distributions, etc., (iv) Schedule K-1 (Internal Revenue Form 1120S), Shareholder's Share of Income, Credits, Deductions, etc., (v) Schedule F (Internal Revenue Form 1040), Profit or Loss from Farming, or that are reported or reportable on successor schedules or forms from time to time promulgated by the United States Internal Revenue Service, as net earnings from self-employment for federal tax purposes or as net earnings of a business organization attributable to an individual taxpayer, but, in all cases, without any deduction for an occupational tax or the income tax payable to the State of Alabama. In general, this act shall be construed and applied to permit an occupational tax to be levied on only those wages, earnings or other compensation received by any natural person that are attributable to work performed in the subject county and that are subject to federal income taxation after deduction of all occupation expenses and taxpayer retirement contributions.

(b) An occupational tax shall not be levied on the value of any of the following: (i) all employer paid premiums for life, health, dental and disability insurance; (ii) all employer retirement contributions; (iii) all gains arising from the award or sale of stock or stock options given to employees in connection with bona fide performance incentive plans; (iv) all other benefits or perquisites provided by an employer, whether provided directly or reimbursed to the employee by cash payments, to the extent that such benefits are considered fringe or ancillary benefits and do not constitute basic compensation provided for the employee's services; (v) all taxpayer retirement contributions; (vi) any gain realized by a natural person from the sale of his or her professional practice; and (vii) any amount of net profit attributable under federal income

tax law in any tax year to a natural person who holds stock or other interests in an income pass-through corporation or other entity that, when added to any withholding tax compensation of such person for such tax year, exceeds the sum of \$5,000,000; provided that any portion of a taxpayer's annual compensation in excess of the taxpayer's Medicare tax income shall be exempt from occupational tax to the extent that it can be shown, by convincing evidence presented to the revenue director of the subject county, to be a return on invested capital rather than compensation for work or service performed by the taxpayer.

(c) The amount of occupational tax due from each occupational taxpayer in any tax year shall be reduced by the occupational tax credit, if any, that may be claimed by such taxpayer with respect to work performed inside the subject county.

Section 9. Compensation Earned Outside of Subject County Not Subject to Occupational Tax; Adjustment of Taxpayer Retirement Contributions, Occupational Tax Credit and Occupation Expenses to Reflect Extraterritorial Compensation. (a) In cases where compensation is earned by a natural person from an occupation conducted both inside and outside the territory of a subject county, an occupational tax shall be levied by the subject county only on that portion of the compensation earned from work that was performed inside the territory of such county, and any compensation attributable to work performed outside such county shall not be subject to the occupational tax. Members of the state legislature shall be deemed to earn their salary and expense allowance in Montgomery County for the purpose of determining whether such items constitute extraterritorial compensation.

(b) In any case where an occupational taxpayer earns compensation from work performed both inside and outside a subject county during a tax year, the amounts of taxpayer retirement contributions, occupational tax credit and occupation expenses respectively applicable to such taxpayer's work inside the subject county shall be determined by excluding the portion of each of those amounts that is improperly attributable to the taxpayer's extraterritorial compensation in such tax year. The amount of taxpayer retirement contributions or the amount of occupational tax credit attributable to work in the subject county shall bear the same ratio to the total amount of such contributions or credit, respectively, as the amount of compensation earned in the subject county bears to the taxpayer's total compensation for the tax year. The amount of occupation expenses attributable to compensation earned in the subject county may be similarly determined in proportion to the ratio between compensation earned in the subject county and total compensation or, alternatively, in the case of

expenses incurred only in connection with work performed inside the subject county, the taxpayer may elect to make a specific allocation of occupation expenses to such work. An occupational taxpayer shall be required to certify, under penalty of perjury, the correctness of the respective amounts of taxpayer retirement contributions, occupational tax credit and occupation expenses that are attributable to compensation earned in the subject county, irrespective of whether such amounts are determined by proration or (in the case of occupation expenses) by specific allocation and irrespective of whether they are taken into account by the taxpayer's employer in determining the amount of occupational tax to be withheld or are claimed by the taxpayer when filing an annual return for the payment of occupational tax or when seeking a refund of excessively withheld tax.

Section 10. Withholding of Occupational Tax by Employers; Filing of Returns for Tax Withheld. (a) All employers that are required by federal tax law to withhold the federal income taxes of their employees and provide them with a W-2 report for each tax year shall be required to withhold the occupational tax due from their employees with respect to compensation paid by such employers. In computing the amount of occupational tax to be withheld from each employee with respect to each payment period, the employer shall be required to deduct from the employee's compensation upon which the occupational tax is to be levied (i) any amount of extraterritorial compensation earned by the employee during such period and (ii) the amount of any taxpayer retirement contributions withheld from the employee during such period that are referable to compensation earned by the employee in the subject county.

(b) An employer, in the exercise of its business discretion, shall be permitted to accept from an employee during any tax year one or more written certificates establishing the amount and justification of occupation expenses incurred and paid by the employee with respect to work performed inside the subject county and that are deductible in determining such employee's occupational tax liability and, if administratively convenient, to deduct such certified expenses from the employee's compensation in computing the amount of occupational tax to be withheld. If an employer chooses not to deduct an employee's occupation expenses in computing the amount of occupational tax to be withheld, nothing contained in this act, however, shall be construed to obligate an employer to take into account such deductions.

(c) An employee may give his or her employer a written certificate for each tax year stating the amount and justification of any occupational tax credit to which such employee is entitled. The

employer and the employee shall be required to determine jointly, in accordance with the provisions of Section 9(b) hereof, the amount of occupational tax credit that is attributable to work done by the employee in the subject county, and the amount so determined shall be credited against the amount of occupational tax required to be withheld from such employee, with such credit to be applied ratably over the tax year or fully against the employee's tax liability until the credit is exhausted, whichever approach may be selected by the employer.

(d) The amount of occupational tax withheld by an employer for each calendar month shall be remitted to the revenue director of the subject county, on or before the 20th day of the next succeeding calendar month, and concurrently with such remittance, each employer shall be required to file with the revenue director a return in such form and containing such information as may be required by regulations of the subject county; provided that if the total amount of occupational tax withheld by an employer from the compensation of employees during each calendar month of the preceding tax year is less than \$500, then such employer may elect for the current tax year to remit withholdings of occupational tax for the quarterly periods ending March 31, June 30, September 30 and December 31 on or before the 20th day of the calendar month next succeeding the end of each such quarterly period, and concurrently with such quarterly remittance, such employer shall be required to file a return applicable to the quarterly period. In connection with the administration and collection of the occupational tax for each tax year, each employer shall be required to file with the revenue director, on or before such date as may be established by the subject county, but not earlier than sixty (60) days or later than one hundred twenty (120) days next succeeding the end of such tax year, a return in such form and containing such information as may be provided in regulations of the subject county, but notwithstanding regulations of the subject county that may require additional information, such return shall contain the following minimum information: (i) the name, social security number and last known address of each employee who performed work in the subject county during such tax year; (ii) the total amount of compensation paid by the employer to each employee with respect to such tax year; (iii) the amount, if any, determined by the employer to represent extraterritorial compensation of each employee and as to which the employer withheld no occupational tax; (iv) the total amount of any taxpayer retirement contributions deducted from each employee's compensation and the portion thereof referable to compensation earned in the subject county; (v) the total amount of any occupation expenses deducted from each employee's compensation and the portion thereof referable to work performed by the

employee in the subject county; (vi) the total amount of the occupational tax credit, if any, to which each employee was entitled for such tax year and the portion thereof referable to work performed by the employee in the subject county; and (vii) the total amount of occupational tax withheld from the compensation of each such employee for such tax year, taking into account the exclusion of extraterritorial compensation, deductions for taxpayer retirement contributions and occupation expenses, if any, and the allowance of the occupational tax credit, if any, as a reduction of the tax. Each employer shall provide to each employee, on or before the due date of the end-of-year return required to be filed with the revenue director, a written statement of all such information related to the employee. Each employer shall be required to keep accurate records of all compensation, withholdings, payments, returns and other matters relating to the withholding and remittance of the occupational tax, as and to the extent required by this act and regulations of the subject county, and such records shall be maintained by the employer for each tax year for a period of five years subsequent to the end of such tax year.

(e) An employer shall be liable to the subject county for the payment of the amount of occupational tax that such employer is obligated to withhold from its employees, irrespective of whether such employer withholds from its employees the required amount of occupational tax. No employer shall be liable to its employees or any other person for any amount of occupational tax withheld and remitted to the subject county. The failure or omission by any employer to withhold all or any part of the occupational tax due from an employee shall not relieve such employee from the obligation to pay such tax or to make and file any return required of such employee in connection with the effort of the subject county to collect from such employee any occupational tax that the employer failed to withhold.

Section 11. Refunds for the Withholding of Excessive Occupational Tax. If an employer has withheld from an employee's compensation, and paid over to the subject county, an amount of occupational tax in excess of the amount owed by such employee for any tax year because (i) extraterritorial compensation was not excluded from tax liability, or (ii) the correct amounts of taxpayer retirement contributions and occupation expenses were not deducted in the computation of the withheld tax, or (iii) the tax was not reduced by the proper amount of occupational tax credit, then, in any such case, the employee, on such form and containing such information as may be required by regulations of the subject county, may apply at the end of the tax year for a refund of excess tax withheld with respect to such tax year. Upon the presentation

of a valid claim to the revenue director that an amount has been withheld and paid to the subject county in excess of the occupational tax lawfully due from a taxpayer, the revenue director shall refund such excess amount to the taxpayer as hereinafter provided. The revenue director shall not be required to consider any application for the refund of any excess tax withheld until the employer shall have filed the annual return for the relevant tax year, and after such annual return has been filed, any allowable refund shall not be due the taxpayer until ninety (90) days after the date of the filing of the employer's annual return or the date of the filing of the taxpayer's refund application, whichever is the latest to occur. No interest will be paid by the subject county on any refund unless it is not paid to the taxpayer by the due date thereof, in which case it will bear interest at the rate of ten percent (10%) per annum until paid. No refund will be considered or paid if the application therefor is filed with the revenue director more than one year after the end of the tax year to which the refund applies.

Section 12. Filing of Returns and Payment of Occupational Tax With Respect to Compensation Not Subject to Withholding. In order to provide for the collection of the occupational tax on all compensation derived from performing work or service, or conducting an occupation or profession, (i) every natural person deriving a net profit from a sole proprietorship conducted in the subject county, and (ii) every natural person to whom a net profit is attributed under federal income tax law because of his or her ownership of an interest in a business organization through which he or she conducts an occupation or profession in the subject county shall be required to file with the revenue director a return for each tax year, on or before the due date established for the filing of federal income tax returns for such tax year, in such form and containing such information as may be provided in regulations of the subject county. Notwithstanding regulations of the subject county that may require additional information, such return for each tax year shall contain the following minimum information: (i) the name of the taxpayer filing such return and his or her social security number and address; (ii) the amount of the taxpayer's compensation, if any that was subject to withholding of federal income tax and the amount of occupational tax on such compensation that was withheld and remitted to the subject county for such tax year; (iii) the amount of net profit subject to federal income tax (but not subject to withholding of federal income tax) that was attributable to the taxpayer for such tax year and the portion thereof earned by work or service performed in the subject county; (iv) the amount of such net profit that constitutes extraterritorial compensation, if any; (v) the total amount of any taxpayer retirement contributions made by the taxpayer that may be deducted from such net profit

and the portion thereof referable to compensation earned in the subject county; (vi) the total amount of the occupational tax credit, if any, to which the taxpayer was entitled for such tax year and the portion thereof referable to work performed by the taxpayer in the subject county; and (vii) the amount of occupational tax due with respect to the net profit of such taxpayer referable to performing work or service, or conducting an occupation or profession, in the subject county, which shall be calculated by applying the rate of the tax to the portion of such net profit earned for work in the subject county (less any applicable deductions described in the return) and by crediting against the gross tax so calculated the amount of any applicable occupational tax credit that was not previously credited against the occupational tax, if any, that was withheld with respect to the taxpayer's compensation during such tax year.

(b) The taxpayer shall be required to pay the occupational tax with the submission of the related tax return. A taxpayer obligated to submit an annual return shall, subject to regulations of the subject county, be granted an automatic extension for the filing of an annual return, provided that simultaneously with the filing of the written request for such extension, the taxpayer pays to the revenue director the full amount of the occupational tax estimated to be due. The revenue director shall assess and collect interest at the rate of twelve percent (12%) per annum on any amount of occupational tax subsequently determined to be due that was not paid when the request for an extension was filed, such interest to accrue from the initial due date of such amount until the same shall be paid. Pursuant to regulations of the subject county, the revenue director may, in cases of willful tax evasion or refusal to comply with applicable law and regulations, assess penalties that shall not exceed five percent (5%) of the amount of overdue tax for each month that it remains unpaid.

Section 13. Limited Filings to be Required of Occupational Taxpayers. In connection with the administration and collection of an occupational tax, only the following taxpayers shall be permitted to file applications for refunds or required to file returns for a tax year: (i) a taxpayer entitled to claim a refund of occupational tax as provided in Section 11 hereof because of excessive withholding by the taxpayer's employer; (ii) a taxpayer obligated by Section 12 hereof to file a return for a tax year with respect to his or her net profit that is not subject to the withholding of federal income tax; and (iii) a taxpayer whose employer fails or refuses to withhold any occupational tax on compensation subject to withholding, thereby making it necessary for a subject county to require a return from such taxpayer for one or more tax years in order to determine and

collect the tax that was not withheld by the employer and remitted to the subject county. The return required of an occupational taxpayer shall be as simple as practicable and shall, consistent with the requirements of this act and reasonable regulations of the subject county, use the net amount of earned income, occupation expenses and contributions to retirement plans for the applicable tax year reported on the related federal income tax return. All applications for refunds and all returns for tax years relating to an occupational tax shall be submitted by the taxpayer under the penalty of perjury.

Section 14. Power of Subject County to Adopt Rules and Regulations for the Administration and Enforcement of License and Occupational Taxes. The county commission of a subject county, and the revenue director under the supervision of the county commission, shall have responsibility for the administration and enforcement of the provisions of this act, and the county commission shall have the power to prescribe, adopt, promulgate and enforce, or to authorize the revenue director to prescribe, adopt, promulgate and enforce, rules and regulations pertaining to the administration and enforcement of this act and the levy and collection of license taxes and the occupational tax, including, without limitation, rules and regulations clarifying, construing and supplementing the provisions of this act in a manner not inconsistent with any of its provisions, and also providing for the examination, adjustment and other appropriate action regarding all returns and filings with respect to the occupational tax. When exercising the power to make rules and regulations delegated by the county commission, the revenue director shall be required to give written notice to the county commission of his intention to adopt or amend any regulations at least thirty (30) days prior to the final adoption of any proposed regulations or amendments. All rules and regulations for the administration and enforcement of this act, whether adopted and promulgated by the county commission, or by the revenue director pursuant to authority delegated by the county commission, shall not be adopted and promulgated unless (i) they have been made the subject of a public hearing held after thirty (30) days' public notice published in a newspaper in the subject county and (ii) prior to such hearing the county commission or the revenue director, as the case may be, shall have allowed an opportunity for comment on the proposed regulations or amendments prior to adoption. The rules and regulations promulgated by the county commission, or the revenue director with the delegated authority of the county commission, shall be binding on all taxpayers and employers affected thereby.

Section 15. Procedures and Powers for the Enforcement of this Act. The county commission of a subject county shall have the

power to prescribe procedures, through ordinance or regulations, for the collection of license taxes and the occupational tax and the payment thereof to the subject county. The revenue director or his duly authorized agents shall have the right to examine the relevant books and records of any licensee, taxpayer, employer or other person who may be liable for any taxes levied pursuant to this act and to conduct such audits and investigations, as may be necessary to determine the accuracy of any return or document submitted by a person liable for taxes hereunder, or if no return or document has been submitted, to ascertain the amount of any license taxes, occupational tax and other amounts owed by any such person under this act for the tax years under review. Every licensee, taxpayer, employer and other person who may have liability under the provisions of this act may be required, after notice of not less than thirty (30) days, to provide the revenue director or his duly authorized agents the means, facilities and opportunity, including reasonable cooperation, to conduct such examinations and investigations as shall be lawful and necessary to determine the liability, if any, of any such person for license taxes, the occupational tax, and other amounts due under the provisions of this act. The revenue director and his duly authorized agents shall have the right to examine under oath any person concerning any return or other document filed with the revenue director, and any compensation or net profit which were, or should have been, reported to the revenue director with respect to liability for the occupational tax, and otherwise with respect to the liability of any person for license taxes, occupational tax or other amounts due under this act; and further, the revenue director and his duly authorized agents shall have the right to compel the production of books and records and the attendance of all persons, whether as parties or witnesses, whom they reasonably believe to have knowledge relevant to any examination or investigation through any and all appropriate judicial proceedings.

Section 16. Penalties and Interest With Respect to Overdue Taxes. Subject to regulations adopted by the county commission, the revenue director shall be empowered to impose reasonable penalties for (i) the failure of any taxpayer liable for any tax due hereunder to pay the same in accordance with the provisions of this act and any related ordinances and regulations and (ii) the failure of any employer to fulfill its lawful duty to withhold the occupational tax, to remit the proceeds thereof to the subject county, and to file such reports with the subject county as shall be necessary to account for the tax and verify its collection in accordance with this act and related ordinances and regulations. Subject to regulations adopted by the county commission, the revenue director (i) shall charge reasonable interest to employers on

delinquent payments of the occupational tax withheld by such employers and (ii) shall charge reasonable interest to natural persons who are delinquent in the payment of any occupational taxes for which they are respectively liable. The provisions of this section notwithstanding, no penalties shall be imposed nor interest charged in a manner or to a degree inconsistent with other specific provisions of this act except that the penalty for unpaid taxes shall not exceed twelve percent (12%) and the interest shall not exceed fifty percent (50%) of the unpaid taxes.

Section 17. Taxpayer Information To Be Kept Confidential. Any information gained by a subject county or any past or present official or agent or employee thereof as a result of any returns, investigations, hearings, or verifications required or authorized by this act, including information derived from a federal income tax return, shall be kept confidential and shall not be disclosed to any persons other than the revenue director and his authorized employees and agents, except for official purposes and except in accordance with proper judicial order or as otherwise provided by law. Any official or employee of a subject county who violates the provisions of this section shall be subject to dismissal from office or employment by the county commission. Further, any past or present official or agent or employee of a subject county who violates the provisions of this section shall be subject to criminal prosecution and punishment on the same terms and in the same manner as a state employee who violates the provisions of Section 40-2A-10 of the Code of Alabama 1975.

Section 18. Additional Enforcement Powers. In addition to all other powers and rights conferred by this act, the county commission of a subject county, and the revenue director as the delegate of the county commission, in connection with the administration and enforcement of this act and the levy and collection of license taxes and the occupational tax, shall have the same rights, remedies, power and authority, including the right to adopt and implement the same procedures, as would be available to the Alabama Department of Revenue if such taxes were being administered, enforced and collected by the Alabama Department of Revenue. Any rules and regulations adopted, promulgated and utilized by the county commission or the revenue director shall, with the necessary changes in detail, be consistent with the rules and regulations of the Alabama Department of Revenue, unless a specific provision of such Department's rules and regulations is inconsistent with a specific provision of this act or any other local or general law applicable to the subject county's administration and enforcement of this act and the levy and collection of license taxes or the occupational tax, in which case the inconsistent provisions

of this act or such other local or general law will prevail. With respect to the applicability of the rights, remedies, power and authority of the Alabama Department of Revenue to the administration and enforcement of this act, any reference to the Commissioner of Revenue or his delegate in any statute shall be deemed to refer to the revenue director of a subject county, and the revenue director shall exercise and implement the rights, remedies, power and authority under such statute which are hereby intended to be made available for the benefit of the subject county. In particular, the administration and enforcement of this act and the levy and collection of license taxes and the occupational tax will be subject to (i) the provisions of Section 40-2A-10, Section 40-2A-11, Section 40-2A-13 and Section 40-2A-14 of the Alabama Taxpayer's Bill of Rights and Uniform Revenue Procedures Act and (ii) the provisions of the Tax Enforcement and Compliance Act, Title 40, Chapter 29 of the Code of Alabama 1975 pertaining to (1) the imposition of liens on a taxpayer's property for the collection of taxes (Article 2), (2) the statute of limitations for the collection of taxes (Article 3), (3) the making of jeopardy assessments against taxpayers who present a risk of avoiding payment of taxes (Article 5), and (4) criminal penalties for tax evasion, willful violation of tax laws, and fraudulent conduct (Article 6).

Section 19. Validation of Act 406 Occupational Taxes. The levy and collection of all occupational taxes on natural persons heretofore levied and collected pursuant to Act 406 are hereby validated, ratified and confirmed as being in full compliance with Act 406 and all other applicable law to the full extent that the Legislature may constitutionally validate the levy and collection of such taxes.

Section 20. Pledge of License Taxes and Occupational Tax to Secure Obligations of Subject County. A subject county shall have the right and power (i) to pledge and use all or part of the proceeds of license taxes or an occupational tax as a source of payment for, or as security for the payment of, debt service on any bonds, notes, warrants or other obligations of the subject county (including the refunding of bonds, warrants, notes or other obligations which may or may not have been initially payable from or secured by a pledge of such taxes), and (ii) to enter into binding covenants with the holders of such bonds, warrants, notes or other obligations to protect and preserve the pledge of such tax proceeds as security for the payment thereof. The pledge of tax proceeds and covenants for the protection thereof authorized by this act may extend for such duration as shall be authorized by the county commission.

Section 21. (a) The proceeds from the tax shall be distributed each calendar year as follows:

(1) In each calendar year beginning with year 1999, the first fifty million dollars (\$50,000,000) or portion thereof from the occupational tax shall be distributed to the Jefferson County Commission.

(2) In each calendar year the remainder over the first fifty million dollars (\$50,000,000) of the occupational tax distributed pursuant to subdivision (1) shall be distributed on a pro rata basis on or before the first 120 days of each calendar year following the year in which the tax was collected to the entities listed below until they are fully funded in the amounts listed, and thereafter the entities listed shall receive a fully funded appropriation.

(b) The list of entities and amounts to be funded yearly are as follows:

- | | |
|---|-------------|
| (1) Birmingham Jefferson County Transit Authority | \$1,000,000 |
| (2) Birmingham Jefferson Civic Center Authority | \$3,000,000 |
| (3) Jefferson County Fire Districts and Volunteer
Volunteer Fire Departments to be distributed to
the departments as follows: | \$2,000,000 |

1. 70 percent shall be divided equally among all eligible fire stations. (See eligibility requirements.)

2. 15 percent shall be divided equally based on the total rooftops in each fire department coverage area.

3. 15 percent shall be designated as discretionary funds of the Jefferson County Association of Fire Departments. These funds would be used for, but not limited to, such items as administrative costs, capital improvements, equipment, and lowering I.S.O. ratings.

To be eligible to receive proceeds from this tax, all recipients shall be in good standing with the Jefferson County Association of Fire Departments. Volunteer fire departments and fire districts which participate in the distribution of the proceeds shall be one of the following:

1. Incorporated as a volunteer fire department in Jefferson County.
2. Incorporated as a fire district in Jefferson County.
3. A municipal volunteer fire department in Jefferson County.
4. Have a fire station located in Jefferson County.
5. Meet minimum equipment guidelines as listed in Section 9-3-17, Code of Alabama 1975.

6. Each fire station shall have approval from the Jefferson County Association of Fire Departments, as to its need to serve the community.

7. Of the rooftops (excluding outbuildings such as barns, storage sheds, etc.) covered in the protection area of the fire station, 51 percent shall be located in Jefferson County. Each unit located under the same rooftop, such as in the case of apartments, strip malls, and industrial parks, shall count as having its own rooftop.

(4) Bessemer State Technical College,	\$1,600,000
Jefferson State Community College, and	
Theodore A. Lawson Community College	

a. The allocation required herein shall be distributed to Bessemer State Technical College, Jefferson State Community College, and Theodore A. Lawson State Community College to be expended on educational programs, workforce development programs, and on partnerships with youth groups, schools, civic organizations, and other not-for-profit organizations for the purposes of community and business development in Jefferson County, and shall be apportioned as follows: Equal shares to Bessemer State Technical College and to Theodore A. Lawson State Community College and a double share to Jefferson State Community College.

b. In the event of a merger or name change involving one of the above-named institutions, the appropriation to that institution would not be affected provided that institution continues to maintain and operate a campus in Jefferson County.

c. In the event that any institution named herein ceases to operate a campus in Jefferson County, then that institution will no longer receive any proceeds from this appropriation and the full amount of this appropriation will be distributed proportionally, as described above, to the remaining institution(s).

(5) Jefferson County Legislative Delegation	\$1,400,000
Fund to be allocated in the amounts of fifty thousand dollars (\$50,000) for each State House of Representatives member and each State Senate member who has only one house district in Jefferson County and seventy-five thousand dollars (\$75,000) for each State Senate member with two or more house districts in Jefferson County.	

(6) The Birmingham Area Zoo	\$1,000,008
Funds to be spent for capital outlay only for the first five years following the effective date of this act and thereafter for capital outlay and operating expenses:	

- | | |
|--|-------------|
| (7) The University of Alabama at Birmingham (UAB) | \$800,000 |
| (8) The McWane Center — Birmingham | \$1,000,000 |
| (9) Alabama Symphony Orchestra — Birmingham | \$500,000 |
| (10) Civil Rights Institute — Birmingham | \$250,000 |
| (11) City of Birmingham Finance Department: | \$1,750,000 |
| <p>a. Five hundred thousand dollars (\$500,000) by the Representative from House District 53 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.</p> | |
| <p>b. Five hundred thousand dollars (\$500,000) by the Representative from House District 52 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.</p> | |
| <p>c. Two hundred fifty thousand dollars (\$250,000) by the Representative from House District 60 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.</p> | |
| <p>d. Two hundred fifty thousand dollars (\$250,000) by the Representative from House District 59 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district</p> | |
| (12) Birmingham Community Schools | \$1,995,000 |
| <p>a. Five hundred thousand dollars (\$500,000) by the Representative from House District 54 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.</p> | |
| <p>b. Four hundred twenty-five thousand dollars (\$425,000) by the Senator from Senate District 20 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.</p> | |
| <p>c. Two hundred fifty thousand dollars (\$250,000) by the Representative from House District 60 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.</p> | |

d. Four hundred thousand dollars (\$400,000) by the Representative from House District 55 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.

e. Two hundred twenty thousand dollars (\$220,000) by the Representative from House District 59 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.

(f) Two hundred thousand dollars (\$200,000) by the Senator from Senate District 18 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.

(13) Eastern Area Foundation, Inc. \$500,000

By the Representative from House District 58 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.

(14) Urban Recreation Facilities at Jefferson County \$500,000

By the Senator from Senate District 15 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.

(15) Jefferson County Commission \$1,200,000

a. Seven hundred thousand dollars (\$700,000) by the Senator from Senate District 17 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represent the district.

b. Five hundred thousand dollars (\$500,000) by the Representative from House District 45 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.

(16) Vestavia Performing Arts Center \$500,000

(17) City of Mountain Brook Park Board \$100,000

(18) City of Vestavia Park Board \$100,000

(19) City of Homewood Park Board \$100,000

(20) City of Hoover Park Board	\$100,000
(21) City of Hoover Public Library	\$150,000
(22) City of Homewood Public Library	\$150,000
(23) Grasselli Heights Civic League By the Representative from House District 57, as it is constituted for the 1998-2002 quadren- nium or the replacement for the person who rep- resents the district.	\$500,000
(24) City of Hoover Schools Foundation	\$250,000
(25) Vestavia Hills City Schools Foundation	\$250,000
(26) Mountain Brook Library Foundation	\$100,000
(27) City of Irondale Public Library	\$100,000
(28) City of Leeds Public Library	\$100,000
(29) Mountain Brook Police Department	\$16,666.66
(30) Mountain Brook Fire Department	\$16,666.67
(31) Irondale Police Department	\$16,666.67
(32) Irondale Fire Department	\$16,666.67
(33) Leeds Police Department	\$16,666.67
(34) Leeds Fire Department	\$16,666.66
(35) Crestline Elementary	\$10,000
(36) Mountain Brook Junior High	\$10,000
(37) Cherokee Bend Elementary	\$10,000
(38) Irondale Community School	\$10,000
(39) Grantswood Elementary	\$10,000
(40) Leeds Elementary	\$10,000
(41) Leeds Junior High	\$10,000
(42) Leeds High School	\$10,000
(43) McElwain Elementary	\$10,000
(44) Shades Valley High School	\$10,000
(45) Central Alabama Boys & Girls Clubs, Inc. Northeast Jefferson Club—Chalkville	\$50,000

(46) Northeast District of Greater Alabama Council of Boy Scouts of America	\$50,000
to be allocated a minimum of \$1,000 per scout troop and \$500 per cub pack in the communities of Center Point, Chalkville, Clay, Pinson, Grayson Valley, and Trussville and \$12,000 to be allocated for the Northeast District.	
(47) City of Brighton	\$175,000
(48) City of Lipscomb	\$195,000
(49) City of Midfield	\$100,000
(50) City of Fairfield	\$110,000
(51) City of Graysville	\$75,000
(52) City of Adamsville	\$90,000
(53) City of Bessemer	\$50,000
(54) City of Bessemer	\$240,000
By the Representative from House District 56 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.	
(55) Town of Mulga	\$15,000
(56) Town of North Johns	\$25,000
(57) City of Bessemer Board of Education	\$150,000
By the Representative from House District 56 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.	
(58) City of Bessemer Civic Center	\$80,000
(59) City of Fultondale	\$130,000
(60) Warrior Dixie Softball	\$5,000
(61) City of Trussville Sports Complex	\$50,000
(62) Town of Sylvan Springs	\$20,000
(63) City of Pleasant Grove	\$50,000
(64) City of Tarrant	\$50,000
(65) City of Irondale	\$50,000
(66) Children's Theatre-Birmingham	\$100,000

- (67) City of Birmingham Neighborhood Association \$200,000
By the Senator from Senate District 18 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.
- (68) City of Birmingham Board of Education \$35,000
Thirty-five thousand dollars (\$35,000) by the Senator from Senate District 18 as it is constituted for the 1998-2002 quadrennium or the replacement for the person who represents the district.
- (69) Jefferson County Board of Education \$200,000
to be allocated for drug and gang prevention and school safety programs.
- (70) Western Area YMCA \$45,000
- (71) Five Points South YMCA \$20,000
- (72) Town of Brookside \$15,000
- (73) City of Warrior \$15,000
- (74) Town of Maytown \$10,000
- (75) Mt. Olive Community Center \$10,000
- (76) Chalkville Civic Club and Park \$25,000
- (77) Center Point Civic Association and Park \$25,000
- (78) Center Point Youth Association and Ball Parks \$50,000
- (79) Clay Athletic Youth Association and Ball Parks \$50,000
- (80) Southside Avondale Baseball/Softball \$10,000
- (81) Piper Davis Baseball League \$10,000
If the league ceases to exist, then the appropriation shall be to the West End Athletic Association
- (82) Miles College Athletic Department \$10,000
- (83) Girls Inc. Birmingham Club \$5,000
- (84) Lawson State Athletic Department \$5,000
- (85) Community Outreach Partnership Center \$1,450,000
at Jefferson State Community College funds used to form partnerships with youth groups, schools, civic organizations, and other not-for-profit organizations for the purpose of community and business development
- (86) City of Trussville Senior Citizens Center \$25,000
- (87) City of Trussville Public Library \$25,000

(88)	City of Birmingham Old Springville Road Library Branch	\$25,000
(89)	City of Hueytown	\$113,000
(90)	Mountain Brook Elementary School	\$25,000
(91)	Brookwood Forest Elementary School	\$25,000
(92)	Mountain Brook High School	\$25,000
(93)	Mountain Brook Jr. High School	\$25,000
(94)	City of Hoover	\$45,000
(95)	Concord Elementary School	\$30,000
(96)	Oak Grove Elementary School	\$30,000
(97)	Gilmore Bell Vocational School	\$20,000
(98)	Greenwood Jr. High School	\$30,000
(99)	Hueytown Elementary School	\$30,000
(100)	McAdory Elementary School	\$30,000
(101)	North Highlands Elementary School	\$30,000
(102)	Greenwood Elementary School	\$30,000
(103)	Pittman Middle School	\$30,000
(104)	City of Hueytown Public Library	\$40,000
(105)	Hueytown High School	\$75,000
(106)	McAdory High School	\$75,000
(107)	Oak Grove High School	\$65,000
(108)	West Hills Elementary School	\$10,000
(109)	Cahaba Heights Elementary School	\$50,000
(110)	Gresham Middle School	\$50,000
(111)	Pleasant Grove Youth Athletic Assn.	\$35,000
(112)	Pleasant Grove High School Athletic Boosters	\$10,000
(113)	Pleasant Grove High School Band Boosters	\$10,000
(114)	Sylvan Springs Youth Association	\$15,000
(115)	Adamsville Park Board	\$15,000
(116)	Graysville Youth Association	\$15,000
(117)	Brookside Youth Association	\$15,000
(118)	Mt. Olive Youth Association	\$15,000

(119) Corner Youth Association	\$15,000
(120) Warrior Youth Association	\$10,000
(121) Pleasant Grove High School PTO	\$20,000
(122) Pleasant Grove Elementary School PTO	\$20,000
(123) Corner High School PTO	\$15,000
(124) Mt. Olive Elementary School PTO	\$15,000
(125) Warrior High School PTO	\$5,000
(126) Warrior Elementary PTO	\$5,000
(127) West Jefferson High School PTO	\$5,000
(128) West Jefferson Elementary PTO	\$5,000
(129) City of Vestavia Public Library	\$100,000
(130) Kenny Morgan Scholarship Foundation	\$50,000
(131) Alabama Sports Hall of Fame	\$200,000
(132) Jefferson, Blount, St. Clair Mental Health Authority to be used in Jefferson County	\$200,000
(133) Homewood Board of Education	\$250,000
(134) City of Trussville	\$250,000
(135) Community Outreach Partnership Center at Lawson State Community College funds used to form partnerships with youth groups, schools, civic organizations, and other not-for-profit organizations for the purpose of community and business development	\$200,000
(136) Bagly Jr. High School PTO	\$15,000
(137) Fairfield Industrial High School Alumni Association Fairfield Chapter	\$30,000
(138) Miles College	\$50,000
(139) Birmingham Art Museum	\$500,000
(140) American Sports Medicine Institute	\$100,000
(141) City of Vestavia Hills	\$25,000
(142) Alabama and Lyric Theaters annually for 10 years following the effective date of this act.	\$300,000
(143) Cahaba Heights Athletic Association	\$50,000
(144) Children's Village	\$10,000

(c) If the County Commission is unable to fund any of the above entities for any reason, be it legal or otherwise, then those funds shall be deposited in an interest bearing account at the Jefferson County Legislative Office in Birmingham to be appropriated to the proper entity by the local delegation.

Any agency, department, institution, or entity receiving funds pursuant to this act shall be subject to an annual audit by the Examiners of Public Accounts.

(3) In each calendar year, any remaining proceeds from the occupational tax after the distributions provided in subsections (a) and (b) shall be deposited into the county general fund for use by the county commission except that 50 percent of such proceeds shall be set aside in an interest bearing fund to be appropriated by local act.

Section 22. Non-Severability. The provisions of this act are expressly declared not to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction from which no further appeal may be taken, such provision shall not be severed from this act, but the entire act shall be deemed invalid with the exception of the provision of Section 7(b) hereof that provides for the reinstatement of Act 406 and any occupational tax theretofore levied by any subject county pursuant to Act 406.

Section 23. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 9, 1999

Time: 10:15 P.M.

Act No. 99-407

H. 781 – Rep. Boothe

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected or appointed public officials in Pike County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

No elected or appointed Pike County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is

entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Pike County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Pike County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Pike County official" include, subject only to express limitation, any person elected to represent Pike County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Pike County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit.

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Pike County, proposing an amendment to the Constitution of Alabama of 1901, to phase out the supernumerary system for certain public officials and allow elected or appointed county officials, as defined, to participate in the Employees' Retirement System.

"Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

CONSTITUTIONAL AMENDMENT

Passed the House May 25, 1999

Passed the Senate as amended June 9, 1999

House concurred in Senate amendment June 9, 1999

Act No. 99-408

S. 13 – Senator Steele

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, providing, subject to voter approval at an authorizing referendum election, that the Legislature may by local law provide for an elected city board of education in any municipality with a city board of education; and validating certain laws and referendum elections for purposes of this amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

The Legislature by local law may provide in any municipality with a city board of education for the conducting of an authorizing referendum election regarding changing the city board of education to an elected city board of education. The Legislature by local law may authorize the governing body of any municipality with a city board of education, upon a recorded majority vote of the governing body, to call and conduct an authorizing referendum election regarding changing the city board of education of that municipality to an elected city board of education.

If a majority of the qualified electors voting in an authorizing referendum election called in either of the preceding manners vote in favor of an elected city board of education, the Legislature, from time to time, by local law may provide for the election of a city board of education in that municipality. Such local law or laws may include, but are not limited to, providing for termination of the terms of office of members of the existing city board of education; the composition of the city board of education; initial and succeeding terms of office, including staggered terms; election districts and at-large membership; qualifications; powers, duties, and responsibilities; vacancies; and compensation.

Any general law, municipal classification law, or local law providing for or authorizing an elected city board of education in any municipality enacted within the last 1,095 days prior to the ratification date of this amendment is validated and confirmed. Any local referendum conducted pursuant to such general law, municipal classification law, or local law, or any combination of such laws, in which a majority of the qualified electors of the municipality voting voted in favor of an elected city board of education, is also validated and confirmed and that local referendum is considered as an authorizing referendum election for purposes of this amendment.

Notwithstanding Acts 97-679 and 97-616 of the 1997 Regular Session, initial elections for the members of the Tuscaloosa City Board of Education shall occur at the regularly scheduled municipal elections in the year 2001. Public hearings shall be held by the legislative delegation and amendments may be prepared and enacted by the Legislature which are deemed necessary and appropriate by the local delegation for any local legislation, including Acts 97-679 and 97-616 of the 1997 Regular Session, which are validated and confirmed by this amendment.

The results of any authorizing referendum election called pursuant to this amendment shall be reported to the State Board of Education which shall maintain a continuing record of those results for public inspection.

It is the intent of the Legislature that this amendment supersede any other provision of this constitution which may be construed as being in conflict with this amendment.

Notwithstanding the foregoing, this proposed amendment shall not apply to any municipality with a population exceeding 125,000 according to the most recent federal census.

Section 2. An election upon the proposed amendment shall be held at the same election as the proposed constitutional amendment creating the Alabama Educational Lottery, as proposed by Act 99-8, HB73 of the 1999 Regular Session, and shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, providing, subject to voter approval at a referendum election, that the Legislature may by local law provide for an elected city board of education in any municipality with a city board of education; and validating certain laws and referendum elections conducted before ratification of this amendment for purposes of this amendment. Act _____."

This description shall be followed by the following language: "Yes () No ()."

CONSTITUTIONAL AMENDMENT

Passed the Senate May 25, 1999

Passed the House as amended June 9, 1999

Senate concurred in House amendment June 9, 1999

Act No. 99-409

S. 37 – Senators Bedford, Preuitt,
and Means

AN ACT

To amend Sections 40-26B-21 and 40-26B-26, Code of Alabama 1975, relating to the privilege tax on medical services providers, to delete the requirement that the supplemental privilege tax on the business activities of nursing facilities and certain Medicaid program nursing facility requirements terminate on December 31, 1999, unless a bill to continue the tax is enacted; to abolish the task force to study Alabama Medicaid reimbursement; and to authorize the Commissioner of the Alabama Medicaid Agency to pay enhancements to certain rural hospital connected nursing facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-26B-21 and 40-26B-26, Code of Alabama 1975, are amended to read as follows:

“§40-26B-21.

“To provide further for the availability of indigent health care, the operation of the Medicaid program, and the maintenance and expansion of medical services:

“(a) There is levied and shall be collected a privilege tax on the business activities of every nursing facility in the State of Alabama. The privilege tax imposed is in addition to all other taxes, and shall be at the annual rate of \$999.96 for each bed in the nursing facility.

“(b) There is levied and shall be collected a supplemental privilege tax on the business activities of every nursing facility in the State of Alabama. The supplemental privilege tax imposed is in addition to all other taxes, including without limitation, the privilege taxes provided for under this article, and shall be at the annual rate of \$200.04 for each bed in the nursing facility.

“(c) The total privilege taxes paid by a nursing facility pursuant to this article shall be considered an “allowable costs,” as that term is defined in the reimbursement methodology for nursing facilities contained in Title 560 of the Alabama Administrative Code, and, to the extent permitted under applicable federal law governing the Alabama Medicaid nursing home program, the total taxes paid must be included in the computation of the Medicaid per diem rate determined under the reimbursement methodology for nursing facilities contained in Title 560 of the Alabama Administrative Code. In the event that any portion of the privilege taxes paid by a facility cannot be included in the computation of the Medicaid per diem rate because of the effect of any cost ceiling provision of the reimbursement methodology, the cost ceiling must

be adjusted to ensure continued treatment of the total privilege tax as an allowable cost.

“(d) The privilege tax rate or the supplemental privilege tax rate shall be reduced by the department upon the advice of the Alabama Medicaid Agency if, but only if, such reduction is required to ensure that the total revenues to the State of Alabama produced by this privilege tax or, if the supplemental privilege tax is in effect, the aggregate of the supplemental privilege tax and the privilege tax, during any state fiscal year are less than or equal to six percent of the total revenues received by the nursing facilities in the state subject to the tax during that same fiscal year.

“§40-26B-26.

“(a) No revenues resulting from the tax established by this article and applied to increases in covered services or reimbursement levels or other enhancements of the Medicaid program shall be subject to reduction or elimination while said tax is in effect.

“(b) Every nursing facility participating in the Medicaid program in the State of Alabama shall be reimbursed according to the reimbursement methodology contained in Chapter 560-X-22 of the Alabama Medicaid Agency Administrative Code (Supp. 12/31/95) on January 31, 1998, which methodology is incorporated by reference herein, except that the following shall apply:

“(1) The ceiling for the operating cost center described in Title 560-X-22-.06 (2)(a) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95) shall be computed at the median plus five percent.

“(2) The ceiling for the direct patient care cost center described in Title 560-X-22-.06 (2)(b) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95) shall be computed at the median plus 10 percent.

“(3) The Medicaid Inflation Index described in Title 560-X-22-.07 of the Alabama Medicaid Agency Administrative Code (Supp. 12/95) shall be computed without regard to the trend factor variance described in Title 560-X-22-.07 (5) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95).

“(4) In calculating the ceiling for the operating cost center, the direct patient care cost center or the indirect patient care cost center, any increase in that ceiling over such ceiling set in the year next preceding, shall not exceed an amount equal to the product of such ceiling for the previous year times the sum of the Medicaid Inflation Index, described in Title 560-X-22-.07 of the Alabama Medicaid Agency Administrative Code (Supp. 12/95), plus four percent.

“(5) In determining the reimbursement in any fiscal year to a nursing facility for certain specialized medical equipment as

described in Title 560-X-22-.14 (19) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95), there shall be added to the daily Medicaid per diem rate computed for that fiscal year, without regard to the cost of such specialized medical equipment, an amount equal to the actual cost of such specialized medical equipment utilized for Medicaid residents during the fiscal year next preceding and divided by the actual number of Medicaid patient days incurred during that preceding fiscal year. For the purpose of this subdivision the terms Medicaid patient days, Medicaid per diem rate, and fiscal year shall have the meanings assigned to them in Title 560-X-22 et seq. of the Alabama Medicaid Agency Administrative Code (Supp. 12/95).

“(6) For the period that the federal financial participation under Title XIX of the Social Security Act for certain intergovernmental transfers is available to the Alabama Medicaid program, the commissioner of the agency may pay an enhancement, not to exceed the upper limits for Medicare nursing facility payments, to rural hospital connected nursing facilities under governmental authority or control. Notwithstanding the foregoing, the enhancement shall not be limited by the provisions of Title 560-X-22 of the Alabama Medicaid Administrative Code.

“(c) Payments by the Medicaid program to each nursing facility for nursing home services shall be sufficient to cover the costs determined by cost reporting principles incurred by each such nursing facility in providing care in an economical and efficient manner and that is adequate to permit the provision of care and services necessary to attain or maintain the highest practicable, physical, mental, and psychosocial well-being of each resident eligible for Alabama Medicaid nursing home benefits in conformity with applicable state and federal laws, rules and regulations and quality and safety standards.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-410

H. 429 – Reps. Curry, Gaines
and McClurkin

AN ACT

Relating to Shelby County, repealing Act No. 83-685, H.328, 1983 Regular Session, providing for the Office of County Coroner; and to provide further for the Office of County Coroner; to prescribe an expense allowance for said Coroner and allow waiver by the Coroner of the salary, wages, and compensation provided by law to or for the Coroner; to provide for Deputy County Coroners and other employees of the County Coroner's Office;

to authorize the County Commission to appropriate money for salaries and expenses for Deputy Coroners and employees of said Coroner's Office; and to make other provisions relating thereto:

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation and expense allowances now being paid, the Shelby County Coroner shall receive an expense allowance of five thousand dollars (\$5,000) per annum payable from the county treasury in equal monthly installments. The County Coroner may, in writing, waive, forfeit, release, and relinquish in advance any right which said Coroner shall have to receive any salary, wages, expenses, or benefits, or portions thereof, which are provided for, allowed, legally mandated, required, or allowed by law; upon the execution by the Coroner of a written document relinquishing, waiving, forfeiting, or refusing payment of any such salary, wages, benefits, or portion thereof, and upon filing the same with the Shelby County Commission, the Shelby County Coroner shall serve without such compensation, salary, wages, benefits, or portion thereof affected thereby, and the County Commission shall not make such payments as are designated therein; the Coroner of Shelby County shall have the right to resume receiving such wages, salaries, or benefits, or portions thereof upon the filing of a written document with the Shelby County Commission requesting that such payments resume effective thirty (30) days after the receipt of such notice by the Shelby County Commission.

Section 2. The Shelby County Commission by Resolution is authorized to empower and authorize the Coroner of Shelby County to appoint additional Deputy Coroners and other employees of the Coroner's Office at such salary, or compensation approved by the County Commission in said Resolution, with such salary, compensation and/or expenses being payable from the county treasury. Any Deputy Coroner shall have the same qualifications as the Coroner and shall serve under the supervision of the Coroner and subject to the Coroner's procedures for conducting death investigations and shall otherwise carry out the duties of the Office of Coroner. Said Deputy Coroners may be dismissed from service by the County Commission for violation of such procedures or acts of misconduct. Any employees of the Coroner's Office or Deputy Coroners employed by the Shelby County Coroner shall serve at the pleasure of the Shelby County Coroner so long as the Shelby County Commission annually appropriates money to cover the salary, wages, compensation, or expenses therefor out of the county treasury. At any time the Shelby County Commission shall have the right to withdraw the authorization for the employment of such additional employees of the Coroner and/or the appointment of all

or any of the Deputy Coroners and refuse to make appropriation for any salary, wages, compensation or expense therefor.

Section 3. The Act is supplemental to and shall be construed in pari materia with all laws local or general pertaining to the Office of Coroner of Shelby County; however, all laws or parts of laws in conflict with this Act, and specifically Act No. 83-685, H.328, 1983 Regular Session, are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-411

H. 654 – Reps. Hubbard, Fuller, Vance,
Ford (J) and Bandy

AN ACT

Relating to Lee County; authorizing the Lee County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk and other litter, including discarded tires, within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; and to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance.

Be It Enacted by the Legislature of Alabama:

Section 1. The regulation of the accumulation and storage of junk and other litter, including, but not limited to, discarded tires, within the unincorporated territory of Lee County is hereby declared to be in the public interest and necessary to promote the public safety, health, welfare, convenience, and enjoyment of public travel; to protect the public investment in public highways; and to preserve and enhance the scenic beauty of lands and the environment. Within the unincorporated areas of Lee County, the Legislature finds and declares that the accumulation and storage of junk and other litter, including, but not limited to, discarded tires and the operation of junkyards, which do not conform to the requirements of this act, are a public nuisance.

Section 2. It is unlawful and constitutes a public nuisance for the owner or the person designated by the owner in charge or in control of a building, lot, junkyard, or other premises, within the unincorporated territory of Lee County to fail to keep the building, lot, junkyard, or premises clean and free from junk and litter, including, but not limited to, discarded tires, and any materials within which

water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the aesthetics of the community, and which thereby cause a substantial diminution in the value of other property nearby or which threaten the health and safety of any citizen.

Section 3. It shall be unlawful for any person to park, leave, or store upon any place or premises within the unincorporated territory of Lee County more than two motor vehicles which are not currently operable and validly registered and tagged as required by state law. Each day that such vehicles are parked, left, or stored upon any place or premises within the unincorporated territory of Lee County shall constitute a separate offense. This section shall not apply to a licensed business if such parking, leaving, or storing of motor vehicles is a reasonably necessary incident in the operation of the business.

Section 4. (a) No person shall establish, operate, or maintain a junkyard or similar establishment listed in Section 1, but not limited to those items, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any highway, road, street, or alley without obtaining a county license from the Lee County Commission according to the criteria and regulations established by the county commission pursuant to the authority granted in Section 11-80-10 of the Code of Alabama 1975. No license shall be granted except for those junkyards or similar establishments which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the highway. The operation of an unlicensed junkyard or similar establishment required to be licensed pursuant to this section constitutes a public nuisance.

(b) This section shall not apply to any company, corporation, or business currently operating whose primary purpose or business is to burn or incinerate wood materials, salvage materials, building refuse, waste products, timber stumps, trees, or brush and other debris that results from clearing land, cutting timber, or refurbishing or constructing buildings.

(c) This act shall not apply to farm buildings or farm equipment and farm materials stored around farm buildings on a farm.

Section 5. (a) This act shall be enforced by the Lee County Commission or its designee.

(b) The Lee County Commission may commence a civil action in the name of the Lee County Commission in the Circuit Court of Lee County, Alabama, to abate or enjoin any action or condition which constitutes a public nuisance under this act. In any action brought under this act, the Circuit Court of Lee County, Alabama, is authorized to assess all costs of abating the public nuisance against the person or

entity creating or maintaining the public nuisance, including, but not limited to, attorney's fees, court costs, and all other expenses of litigation, and including all costs of and expenses for abating, remedying, or cleaning up the source or cause of the public nuisance.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-412

H. 662 – Reps. McMillan, Warren
and Penry

AN ACT

Relating to Baldwin County; to amend Section 1 of Act 57, S. 71, 1978 Second Special Session (Acts 1978, p. 1745), as amended by Act 88-383, H. 971 of the 1988 Regular Session (Acts 1988, p. 570), relating to the issuance of pistol permits by the sheriff, so as to provide for the maximum fee as set by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 57, S. 71, 1978 Second Special Session (Acts 1978, p. 1745), as amended by Act 88-383, H. 971 of the 1988 Regular Session (Acts 1988, p. 570), is amended to read as follows:

“Section 1. In Baldwin County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155, Code of Alabama 1975, shall not exceed the sum of thirty dollars (\$30), as set by the sheriff. The fee shall be collected by the sheriff of the county. It is the intent of the Legislature that the fee collected is in addition to any other appropriations received by the sheriff.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-413

H. 720 – Reps. McMillan, Penry
and Warren

AN ACT

Relating to Baldwin County; to amend Section 1 of Act 733, 1971 Regular Session (Acts 1971, Vol. II, p. 1448), and Section 2 of Act 363, 1961 Regular Session (Acts 1961, Vol. I, p. 383), as amended, which acts provide for a Commission Discretionary Fund for the governing body of Baldwin County and the manner of distribution of the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 733, 1971 Regular Session (Acts 1971, Vol. II p. 1448), is amended to read as follows:

“Section 1. This act shall apply only in Baldwin County. The governing body of Baldwin may appropriate out of any moneys in the county treasury not otherwise appropriated, and expend not more than the sum of twenty-five thousand dollars (\$25,000) per fiscal year for any purposes, not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county. The fund shall be known as the Commission Discretionary Fund. Provided, however, the expenditure provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes and for promoting the economic well-being of the citizens of Baldwin County.”

Section 2. Section 2 of Act 363, 1961 Regular Session (Acts 1961, Vol. I, p. 383), is amended to read as follows:

“Section 2. Under the provisions of Section 1, not more than twenty-five thousand dollars (\$25,000) shall be appropriated and expended in any fiscal year. Any sum or sums remaining unexpended in the fund at the end of the fiscal year, only so much shall be appropriated for the next succeeding fiscal year as will together with the sum so remaining unexpended bring the Commission Discretionary Fund up to the total sum of twenty-five thousand dollars (\$25,000).”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-414

H. 763 – Rep. Lindsey

AN ACT

Relating to Cherokee County; to amend Section 1 of Act 97-604, 1997 Regular Session (Acts 1997, p. 1065), which levies a lodgings tax, to include bed and breakfast establishments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 97-604, 1997 Regular Session (Acts 1997, p. 1065), is amended to read as follows:

“Section 1. In Cherokee County, in addition to all other taxes imposed by law, there is levied a privilege or license tax in the amount herein prescribed against every person within the county engaging in the business of renting or furnishing a room or rooms, lodgings or accommodations, to a transient in a hotel, motel, inn, condominium, house, tourist court, or accommodations provided by any bed and breakfast establishment or another place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-415

H. 583 – Reps. Newton (D), Hilliard,
Robinson (O), Houston and
Parker (W)

AN ACT

Relating to Jefferson County; to amend Sections 2, 7, and 10 of Act 80-609 of the 1980 Regular Session (Acts 1980, p. 1027), to further provide for the operation of bingo within the county by qualified organizations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 7, and 10 of Act 80-609 of the 1980 Regular Session (Acts 1980, p. 1027), are hereby amended to read as follows:

“Section 2. Definitions. As used in this act:

“(1) “Bingo” means that specific kind of game commonly known as bingo in which prizes are awarded on the basis of designated numbers or symbols on a card or electronic marking machine conforming to numbers or symbols selected at random.

“(2) “Chief of Police” means the Chief of Police of any municipality electing to establish a “Bingo” ordinance parallel, or similar, to this Act to apply in the municipality.

“(3) “Sheriff” means the sheriff of Jefferson County.

"(4) "Equipment" means the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them or electronic card marking machines, and the board or signs, however operated, used to announce or display the numbers or designations as they are drawn. All equipment shall be stamped with name of organization and used only on that organization's premises.

"(5) "Location" means a single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit issued under this act. Bingo games shall be held only on the premises wholly owned by a qualified permit holder as defined in Section 2, subdivision (6), with exception to rental agreement in Section 9 (c) of this act.

"(6) "Special occasion" means a single gathering or session at which a series of successive bingo games authorized by this act are played pursuant to a special permit issued under section 6.

"(7) "Qualified organization" means a bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which operates without profit to its members and which either has been in existence continuously as such an organization for a period of 2 years or is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United States Government.

"(8) "Religious organization" means an organization, church, body of communicants, or group, not for pecuniary profit, gathered in common membership for mutual support and edification in piety, worship, and religious observances; or any society, not for pecuniary profit, of individuals united for religious purposes at a definite place; or a church related private school, not for pecuniary profit.

"(9) "Education organization" means an organization within this state, not for pecuniary profit, whose primary purpose is education in nature and designed to develop the capabilities of individuals by instruction in any public or private elementary or secondary school, or any private college, not for pecuniary profit, and approved by the State Department of Education.

"(10) "Service organization" means a branch, lodge, or chapter of a national or state organization, not for pecuniary profit, which is authorized by its written constitution, charter, articles of incorporation, or by-laws to engage in a fraternal, civic, or service purpose within the state; and a local civic organization, not for pecuniary profit and not affiliated with a state or national organization, which

is recognized by resolution adopted by the city in which the organization conducts its principal activities, whose constitution, charter, articles of incorporation, or by-laws contain a provision for the perpetuation of the organization as a nonprofit organization whose entire assets are pledged to charitable purposes, and whose constitution, charter, articles of incorporation, or by-laws, contain a provision that all assets, real property, and personal property shall revert to the benefit of the city government upon dissolution of the organization.

“(11) “Senior citizens organization” means an organization within this state, not for pecuniary profit, which consists of at least 15 members who are 60 years of age or older and exists for their mutual support and advancing the causes of elderly or retired persons.

“(12) “Fraternal organization” means an organization within this state not for pecuniary profit, which is a branch, lodge, or chapter of a national or state organization and exists for the common business or other interests of its members.

“(13) “Veterans’ organization” means an organization within this state, or a branch, or lodge, or charter within this state of a state organization or of a national organization chartered by the Congress of the United States, not for pecuniary profit, the membership of which consists of individuals who were or are members of the armed services or forces of the United States.

“(14) “Permitholder” means a qualified organization issued a permit pursuant to this act.

“(15) “Member” means an individual who qualified for membership in a qualified organization pursuant to its by-laws, articles of incorporation, charter, or other legal entity.

“(16) “Person” means a natural person, firm, association, corporation, or other legal entity.”

“Section 7. Certain Contracts Activities Prohibited; Special Requirements.

“(1) It is the intention of the Legislature that only qualified organizations which are properly issued permits pursuant to this law shall be allowed to operate bingo games.

“(2) A qualified organization shall not lend its name or allow its identity to be used by any individual, firm, association or corporation in the operating or promoting of a bingo game in which said qualified organization is not directly and solely operating said bingo game. All equipment shall be stamped or clearly marked in

letters no less than one-half inch in height and one-fourth inch in width (except for the letter "I") with the name of the organization using the equipment, and it shall be unlawful to use equipment marked with the name of another organization.

"(3) It shall be unlawful for two or more qualified organizations to operate bingo games jointly.

"(4) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in such a manner as to exceed the limits in cash or gifts of equivalent value as provided in section 10. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

"(5) No person or organization by whatever name or composition thereof shall take any salary, expense money or fees for the operation of any bingo game, except that not more than \$50.00 per day may be paid to one or more individuals for assisting in the conduct of such games on such day.

"(6) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game."

"Section 10. Management and Operation of Bingo, Persons Eligible, Compensation, Equipment, Prizes, Advertisement.

"(1) A person other than a bona fide member of the permit-holder may not participate in the management of bingo. Persons other than bona fide members of the permitholder may participate in the operation of bingo as provided by rule of the sheriff.

"(2) A person may not receive any commission, salary, pay profit, or wage for participating in the management or operation of bingo except as provided by rule of the sheriff.

"(3) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permitholder.

"(4) Prizes given by any organization for the playing of bingo games shall not exceed five thousand dollars (\$5,000) in cash or gifts of equivalent value during any bingo session or seven thousand five hundred dollars (\$7,500) in cash or gifts of equivalent value during any calendar week.

"(5) A permitholder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permitholder to advertise bingo, the permitholder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permitholder.

“(6) A permitholder shall display its bingo license conspicuously at the location where the bingo game is conducted.

“(7) A permitholder shall conduct bingo games only at the single location specified in the permitholder’s application.

“(8) A permitholder shall not conduct more than one bingo session during any one calendar day and no more than two bingo sessions during any one calendar week and no session shall exceed 5 hours.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-416

H. 653 – Reps. Hubbard, Fuller, Vance,
Ford (J) and Bandy

AN ACT

Relating to Lee County; to amend Section 1 of Act 81-735, H. 1052 of the 1981 Regular Session (Acts 1981, p. 722), as last amended; to increase certain court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 81-735, H. 1052 of the 1981 Regular Session, as last amended by Act 88-471, H. 883 of the 1988 Regular Session (Acts 1988, p. 722), is amended to read as follows:

“Section 1. In Lee County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of twenty dollars (\$20), for the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or quasi-civil proceeding in any court in Lee County, whether the proceeding is filed in or arising in any of the courts, on appeal, certiorari, or otherwise to the district court or the circuit court. The sum shall be collected in each court in which any service of any papers or documents is made by the sheriff. The costs shall be collected in the same manner as other costs in the cases in the respective courts.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-417

H. 692 – Reps. Curry and McClurkin

AN ACT

Relating to Shelby County; authorizing the Shelby County Commission to regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, parts of inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies, including actions to enjoin and abate a public nuisance; and to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk.

Be It Enacted by the Legislature of Alabama:

Section 1. The regulation of the accumulation and storage of junk, inoperable motor vehicles, parts of inoperable motor vehicles, and other litter within the unincorporated areas of Shelby County, and licensing the operation of junkyards within the unincorporated areas of Shelby County is declared to be in the public interest and necessary to promote the public safety, health, welfare, convenience, enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of lands and the environment, and to promote the conservation of natural mineral resources. The Legislature finds and declares that within the unincorporated areas of Shelby County the accumulation and storage of junk, inoperable motor vehicles, parts of inoperable motor vehicles, and other litter and the operation of junkyards which do not conform to the requirements of this act are a public nuisance.

Section 2. It shall be unlawful and constitute a public nuisance for the owner or any person in charge or control of a building, lot, junkyard, or other premises within the unincorporated territory of Shelby County to fail to keep the lot, junkyard, or premises clean and free from garbage, refuse, litter, junk, debris, salvaged materials, household furniture, trash, used motor vehicle tires, inoperable motor vehicles, parts of inoperable motor vehicles, kitchen and other household appliances, rags, paper, cardboard, and other non-decorative matter, including any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community and thereby cause a substantial diminution in the value of other property nearby, or which threaten the health and safety of any citizen.

Section 3. It is unlawful and constitutes a public nuisance for any person to park, leave, or store upon any property or premises in public view within the unincorporated territory of

Shelby County more than one motor vehicle which is not currently and validly registered and tagged as required by state law for operation on the public highways.

Section 4. (a) No person shall establish, operate, or maintain a junkyard or salvage yard or own or be in possession of any premises containing any items listed in Section 1, but not limited to those items, any portion of which is within 100 feet of the nearest edge of the right-of-way of any public road, or accumulate or allow the accumulation of any such items on any premises for more than a period of 90 days, without obtaining a county license to do so from Shelby County through the county license director or other person authorized by the county commission. No license shall be granted except for those junkyards or salvage yards or premises which have screened the premises on the right-of-way or any adjoining property line that abuts any driveway, parking lots, or residential lots with man-made fences of at least six feet in height so as not to be visible from that height or less. The operation of an unlicensed junkyard or salvage yard or the ownership, possession, or both, of such premises shall constitute a public nuisance.

(b) The county commission shall adopt regulations and requirements for issuing licenses for the operation of junkyards and salvage yards within the limits defined in this act, and may revoke the licenses at any time a junkyard or salvage yard fails to conform to the requirements of this act, and shall charge a license fee of one hundred dollars (\$100) payable each fiscal year. This license fee shall be in addition to the license fee required under Section 23-1-244 of the Code of Alabama 1975. All licenses issued under this act shall expire on September 30 following the date of issue. Licenses may be renewed from year to year upon payment of the fee. Renewal licenses shall be one hundred dollars (\$100) if paid no later than 30 days from the renewal date. Licenses renewed more than 30 days from the renewal date shall be subject to an additional twenty-five dollar (\$25) fee. Proceeds from the fees shall be deposited in the general fund of the county to be used for general county purposes.

Section 5. (a) This act shall be enforced by the county commission.

(b) The county commission may commence a civil action in the name of the Shelby County Commission, Shelby County, Alabama, or both, in the Circuit Court of Shelby County, Alabama, to abate or enjoin any public nuisance declared by this act. In any action, the Circuit Court of Shelby County, Alabama, shall assess all costs of abating the public nuisance declared by this act, including attorney's

fees, court costs, and all other expenses of litigation, against the person creating or maintaining the public nuisance.

Section 6. This act shall be cumulative in its nature and in addition to any and all power and authority which the commission may have under any other law.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective on the first day of the sixth month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-418

H. 703 – Reps. Haney, Sanderford
and Hall (L)

AN ACT

Relating to Madison County; to approve a proposed increase in the rate of the special ad valorem tax that is now authorized to be levied, and that is now being levied, without express limit as to time and exclusively for public school purposes, pursuant to Amendment No. 149 to the Constitution of Alabama of 1901, from six and one-half (6 1/2) mills to fifteen and one-half (15 1/2) mills on each dollar's worth of the assessed value of taxable property in that portion of Madison County lying outside the corporate limits of the City of Huntsville and the City of Madison, all in accordance with the provisions of subsection (f) of Section 217 of said Constitution, as amended by Amendment No. 373 thereto; to provide that such proposed increase shall become effective beginning with the levy for the tax year of said Madison County beginning on October 1, 1999 (for which tax year state and county ad valorem taxes will become due and payable on October 1, 2000, of the following year), but only upon the subsequent approval thereof by a majority of the qualified electors residing in that portion of Madison County lying outside the corporate limits of the City of Huntsville and the City of Madison who vote on such proposal at a special election held at the same time as the next county-wide election held in the county; to provide for the form of ballot to be used in the election; to express the intent of the Legislature regarding the rescission of the ad valorem tax in the Town of Triana levied for county school purposes; and to require that the issuance of any bonds be pursuant to competitive bids.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, as used in this act, shall, in the absence of clear implication herein otherwise, have the following respective meanings:

“Amendment No. 149” means that certain amendment to the Constitution of Alabama of 1901, proposed by Act No. 46 enacted at the 1959 First Extraordinary Session of the Legislature.

“Amendment No. 325” means that certain amendment to the Constitution of Alabama of 1901, proposed by Act No. 116 enacted at the 1971 Third Extraordinary Session of the Legislature.

“Amendment No. 373” means that certain amendment to the Constitution of Alabama of 1901, proposed by Act No. 6 enacted at the 1978 Second Extraordinary Session of the Legislature.

“County” means Madison County in the State of Alabama.

“Commission” means the Madison County Commission, the present governing body of the county.

“Legislature” means the Legislature of Alabama.

“Madison County Board of Education School Area” means that portion of the county lying outside the corporate limits of the City of Huntsville and the City of Madison.

“Special District Tax” means that certain special tax authorized to be levied under and pursuant to the provisions of Amendment No. 149, without express limit as to time and exclusively for public school purposes.

Section 2. Findings. The Legislature hereby finds and declares as follows:

(a) Under and pursuant to the provisions of Amendment No. 149 and Amendment No. 325, the rate at which the Special District Tax is now authorized to be levied is limited to six and one-half (6 1/2) mills on each dollar's worth of the assessed value of taxable property in the Madison County Board of Education School Area;

(b) The Special District Tax is now being levied at the rate of six and one-half (6 1/2) mills on each dollar's worth of the assessed value of taxable property;

(c) The City of Madison formed its own school system, effective July 1, 1998, to be operated by the City of Madison Board of Education, which is receiving proceeds of the Special District Tax levied on taxable property in the City of Madison;

(d) The Commission has heretofore proposed (following a public hearing on such proposal held and conducted by the Commission) that the rate at which the Special District Tax is levied be increased from six and one-half (6 1/2) mills to fifteen and one-half (15 1/2) mills on each dollar's worth of the assessed value of taxable property in the Madison County Board of Education School Area, such proposed increase to be used exclusively for public school purposes and to become effective beginning on October 1, 1999 (for which tax year state and county ad valorem taxes will become due and payable on October 1, 2000), but only upon the subsequent approval of such proposed increase by both the Legislature and a majority of the qualified

electors residing in the Madison County Board of Education School Area who vote on such proposal at a special election; and

(e) Under and pursuant to the provisions of subsection (f) of Section 217 of the Constitution of Alabama of 1901, as amended by Amendment No. 373, the Commission may act in connection with such proposed increase in the rate at which the Special District Tax is levied in the Madison County Board of Education School Area above the limit otherwise provided in said Constitution of Alabama.

Section 3. Approval of Proposed Tax Rate Increase. The Legislature hereby approves the aforesaid proposed increase in the rate at which the Special District Tax is levied in the Madison County Board of Education School Area from six and one-half (6 1/2) mills on each dollar's worth of the assessed value of taxable property in the Madison County Board of Education School Area to fifteen and one-half (15 1/2) mills on each dollar's worth of the assessed value of taxable property in the Madison County Board of Education School Area, to be used exclusively for capital outlay purposes for public school buildings. If such proposed increase in the rate at which the Special District Tax is levied shall hereafter be approved by a majority of the qualified electors residing in the Madison County Board of Education School Area who vote on such proposal at a special election held at the same time as the next county-wide election held in the county, then such proposed increase in the rate of the Special District Tax with respect to taxable property in the Madison County Board of Education School Area shall become effective beginning with the levy for the tax year of the County beginning on October 1, 1999 (for which tax year state and county ad valorem taxes will become due and payable on October 1, 2000, of the following year); but otherwise such proposed increase shall not become effective. If a majority of the qualified electors who vote on the proposal vote against the increase, no subsequent election concerning the implementation of the tax under this act shall be conducted and this act shall be void.

Section 4. Form of Ballot. The ballot to be used in the aforesaid election shall be in substantially the following form, with such insertions, variations, and omissions as may be necessary to conform to the requirements of applicable law:

"Shall the rate of that certain special ad valorem tax that is levied (without express limit as to time and exclusively for public school building purposes) in that portion of Madison County, Alabama, lying outside the corporate limits of the City of Huntsville and the City of Madison, under and pursuant to Amendment No. 149 to the Constitution of Alabama of 1901, as amended, be increased from six and one-half (6 1/2) mills on each dollar's worth of the assessed value of taxable property in said portion of Madison County, Alabama, lying outside the corporate limits of the City of Huntsville

and the City of Madison, to fifteen and one-half (15 1/2) mills on each dollar's worth of the assessed value of taxable property in said portion of Madison County, Alabama, lying outside the corporate limits of the City of Huntsville and the City of Madison — such increase to become effective beginning with the levy for the tax year of Madison County beginning on October 1, 1999 (for which tax year state and county ad valorem taxes will become due and payable on October 1, 2000, of the following year)?

“() FOR proposed increase in rate of special school tax.

“() AGAINST proposed increase in rate of special school tax.”

Section 5. It is the intent of the Legislature, based upon the agreement of the Madison County Board of Education, Madison City Board of Education, and the governing body of the Town of Triana, that upon the approval of the tax increase proposed by this act, the governing body of the Town of Triana shall rescind the existing city ad valorem tax, in the amount of 9 mills on each dollar of taxable property in the city, levied pursuant to Act 93-563, 1993 Regular Session (Acts 1993, p. 943).

Section 6. Notwithstanding any other provision of law, any underwriting and other financial services or contracts relating to the issuance of any bonds pursuant to this act shall be awarded based on competitive bids.

Section 7. All laws and parts of laws that are in conflict with any of the provisions of this act shall be and hereby are, to the extent of such conflict, repealed.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-419

H. 718 – Reps. Morrison and Oden
AN ACT

Relating to Cullman County; providing for additional costs and charges of court in circuit, district, and probate court cases for the purposes of constructing new jail facilities, juvenile detention facilities, new facilities for the judicial system, maintenance of the courthouse, and other public buildings as well as to provide for the needs of juvenile justice programs; and providing for the establishment of a juvenile justice fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that the Cullman County Commission, the Cullman County Circuit Judges, the Cullman County District Judges, the Cullman County District Attorney, the Cullman County Judge of Probate, the Cullman County Circuit Clerk, the Cullman County Sheriff, and the Cullman County Revenue Commissioner requested that the Cullman County Legislative Delegation present legislation to create revenue for the Cullman County Public Building Fund and purposes provided in this act. The Legislature further finds that the Cullman County Commission has unanimously adopted a resolution confirming the request of the commission and all of the above county officers.

Section 2. (a) In addition to all other costs and charges in the circuit, district, and probate court in Cullman County, the following additional court costs and fees shall be levied and assessed:

(1) In traffic violations in Cullman County, the sum of ten dollars (\$10) per case.

(2) In all Cullman County District Court cases, the sum of twenty dollars (\$20) per case, except in conservation cases and negotiating worthless negotiable instrument cases.

(3) In all Cullman County Circuit Court cases, the sum of thirty dollars (\$30) per case.

(4) For recording any document or instrument in Cullman County probate office, in the sum of two dollars (\$2) per document or instrument.

(5) For issuing alias warrants, bondsman processes, alias summons, special process servers, and garnishments, the sum of three dollars (\$3).

(6) For issuing a subpoena in circuit and district courts, the sum of two dollars (\$2) per subpoena.

(b) In addition to all other fees collected by the office of the Revenue Commissioner, the sum of five dollars (\$5) shall be charged for each receipt issued by the Revenue Commissioner of Cullman County for real property, personal property, motor vehicles, motor cycles, manufactured homes, titles and transfers.

(c) Except as provided in subsections (d) and (e), the additional court costs and fees authorized by this section shall be used to construct new jail facilities, juvenile detention facilities, new facilities for the judicial system, the maintenance of the courthouse, and other public buildings as well as to provide for the needs of the juvenile justice programs.

(d) The sums collected from the increase in costs of alias warrants, bondsman processes, alias summons, special process servers, and garnishments and one dollar (\$1) of the increase in the fee for issuance of a subpoena shall be transferred to a juvenile justice fund and shall be expended to defray the cost of detention, juvenile programs, juvenile projects, and juvenile activities deemed necessary or expedient by the Presiding Juvenile Judge of Cullman County.

(e) One dollar (\$1) of the fee charged for each receipt issued by the Revenue Commissioner of Cullman County shall be used solely for the purpose of upgrading and purchasing equipment technology of the Office of Revenue Commissioner. The remaining portion of the fee shall be expended as provided in subsection (d).

Section 3. The additional court costs levied pursuant to this act shall expire on September 30, 2022.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-420

H. 714 – Rep. Ford (J)

AN ACT

Relating to Macon County; relating to the Star-Mindingall Water and Fire Protection Authority and the employees of all other public boards and authorities established in Macon County; to allow the employees of Star-Mindingall Water and Fire Protection Authority and the employees of all other public boards and authorities to participate in the Employees' Retirement System and the State Employees' Health Insurance Plan.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of directors of the Star-Mindingall Water and Fire Protection Authority and the boards of directors of all other public boards and authorities located in Macon County may elect by resolution to have their employees participate in the Employees' Retirement System and the State Employees' Health Insurance Plan, and to transfer to that system whatever funds are necessary to accomplish that purpose.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-421

H. 778 – Rep. Jones

AN ACT

Relating to the Twenty-Third Judicial Circuit consisting of Madison County; to amend Section 3 of Act No. 94-563, S. 577, Regular Session, 1994 (Acts 1994, p. 1034), providing for the parking of jurors, assessment, collection, and use of additional court costs to defray the expense of juror parking, so as to increase the amount of such court costs from Three (\$3.00) Dollars to Five (\$5.00) Dollars, and so as to provide for the court costs in juvenile and child support cases in the district court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 94-563, S. 577, Regular Session 1994 (Acts 1994, p. 1034), is amended to read as follows:

“Section 3. For the support and maintenance of juror parking established under this act, a parking fee of Five and no/100 dollars (\$5.00) shall be paid in all civil, domestic relations, criminal, juvenile and child support cases in the district and circuit courts of Madison County to be collected as other court costs are collected and paid at the time as docket fees, fines, or other court costs. The parking fee described in this act shall paid in all civil, domestic relations, criminal, juvenile and child support cases in the district and circuit courts of Madison County to be collected as other court costs are collected and paid at the time as docket fees, fines, or other court costs. The parking fee described in this act shall paid in all civil, domestic relations, criminal, juvenile and child support cases in each court in the Twenty-third Judicial Circuit. All funds collected under the provisions this section shall be transmitted to the Madison County Juror Parking Fund by the tenth (10th) of each month following their collection.

Two dollars of the funds collected shall be placed in a separate account for the sole purpose of the purchase, site development, and building of a juror parking lot, garage and/or parking deck on the real property located at 304 Eustis Avenue, Huntsville, Madison County, Alabama, which is currently jointly owned by Madison County and the City of Huntsville. If for any reason the funds are not used for the specific purposes indicated in this section within 12 months from the effective date of this act the funds shall be disbursed by local act of the Legislature.

Section 2. The provisions of this act are not severable. If any part of this act is declared invalid or unconstitutional, the entire act shall be null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-422

H. 713 – Rep. Ford (J)

AN ACT

Relating to Macon County; to express legislative intent that the purpose of this act is to promote travel and tourism within the county and to regulate the liquor traffic; and to provide that it shall be lawful to sell alcoholic beverages in Macon County seven days per week, 24 hours per day, except between the hours of 2:00 A.M. and 12:00 Noon on Sunday.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This act applies only to Macon County.

(b) The Legislature of Alabama declares that the purpose of this act is to promote travel and tourism within Macon County, in order to enhance the economic opportunities of the citizens of Macon County. The Legislature further declares that the purpose of this act is to regulate the liquor traffic in Macon County.

(c) It shall be lawful for any retail licensee of the Alcoholic Beverage Control Board to sell alcoholic beverages in Macon County seven days per week, 24 hours per day, except between the hours of 2:00 A.M. and 12:00 Noon on Sunday.

Section 2. All other laws or parts of laws which conflict or are inconsistent with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-423

H. 512 – Rep. Johnson

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Sylacauga in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Sylacauga in Talladega County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

Parcel 1

Lot No. 15 and Lot No. 16 of the Revision of part of Block “K” of the W. E. Thomas Subdivision, Five Points, as shown by map of

said subdivision on record in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book 3 at Page 119.

Parcel 2

Lot No. 4 of the Woodland Estates Subdivision as shown by map of said subdivision on record in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book 6 at Page 156.

Parcel 3

Commence at the Northeast corner of Section 32, Township 20 South, Range 4 East, Talladega County, Alabama, which point is located at the center line of Tallasahatchie Road right-of-way, a public road; thence proceed West along the North boundary line of said Section 32 for a distance of 40 feet, more or less, to the West right-of-way line of said Tallasahatchie Road; thence proceed South along said Tallasahatchie Road right-of-way line for a distance of 150 feet, more or less, to the Southeast corner of a two acre tract of land conveyed to Tallasahatchie Church, which point is also the Northeast corner of property presently owned by Henry D. and Doris G. Rush and the point of beginning; continue South along the West right-of-way line of Tallasahatchie Road for a distance of 360 feet, more or less; thence proceed West for a distance of 253 feet, more or less; thence proceed North for a distance of 360 feet, more or less, to the North boundary line of property herein described; thence proceed East along said property line for a distance of 253 feet, more or less, to the point of beginning. The above described property is located in the Northeast one-quarter of Section 32, Township 20 South, Range 4 East, Talladega County, Alabama, and contains approximately 2.1 acres.

Parcel 4

Commencing at the SE corner of the SW 1/4 of the SW 1/4 of Section 27, Township 21 South, Range 4 East, Talladega County, Alabama; (said 40 corner being marked by a railroad spike in the highway); thence South 68 degrees 40' 56" East, 1,795.85 feet to the point of beginning of the parcel property herein described; thence North 09 degrees 24' 43" East, 42.10 feet; thence North 13 degrees 27' 41" West, 247.77 feet; thence North 40 degrees 00' 00" West, 187.74 feet; thence North 66 degrees 00' 00" West, 160 feet; thence North 73 degrees 17' 56" West, 180.62 feet; thence South 11 degrees 10' 00" West, 142.47 feet; thence South 17 degrees 17' 30" West, 85.60 feet; thence South 54 degrees 45' 19" West, 48.30 feet; thence South 26 degrees 48' 51" West, 41.64 feet; thence South 23 degrees 22' 42" West, 19.58 feet; thence South 68 degrees 36' 44" East, 654.77 feet to the point of beginning, containing 4.0698 acres, more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be

annexed to the City of Sylacauga is on file in the office of the Judge of Probate in Talladega County, Alabama, and the map is open to the inspection of the public.

Section 3. Notwithstanding any other provision of law, no territory contiguous to the territory annexed pursuant to this act may be annexed to the City of Sylacauga without the consent of the owners of the contiguous property.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-424

H. 764 – Rep. Warren

AN ACT

Relating to Conecuh County; to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that the system shall constitute official and permanent records in Conecuh County; to provide for the use of the funds at the discretion of the judge of probate; and to repeal Act 86-289 of the 1986 Regular Session (Acts 1986, p.418), relating to the Conecuh County Special Recording Fee.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Conecuh County. The purpose of the act is to facilitate the use of public records in property transactions in Conecuh County by providing for the installation of an improved system of recording, archiving, and retrieving instruments and documents affecting the title to real and personal property that are recorded in the office of the judge of probate, and for the recording, archiving, and retrieving of other instruments, documents, and other uses in the discretion of the judge of probate.

Section 2. The following words and phrases when used in this act shall have the following meanings:

(1) **GENERAL PROPERTY INSTRUMENT.** A real property instrument that affects the title to personal property as well as real property.

(2) **IMPROVED RECORDING SYSTEM.** A system of recording real property instruments and personal property instruments in the probate office and, in the discretion of the judge of probate, of recording other instruments and documents, which system

when completed, will consist of the equipment necessary and suitable to record, archive, and retrieve records.

(3) **PERSONAL PROPERTY INSTRUMENT.** Any instrument or document affecting the title to personal property only, as distinguished from real property, that may be now or hereafter required to be filed or titled for record in the probate office, in accordance with the applicable requirements of the laws of this state, including, without limitation, Sections 35-4-50 and 35-4-90, Code of Alabama 1975.

(4) **REAL PROPERTY INSTRUMENT.** Includes any instrument or document affecting the title to real property that may now or hereafter be filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, without limitation, Section 12-13-43, Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgments, and plats or maps showing the subdivision of real estate.

Section 3. The judge of probate may provide for the installation and thereafter for the maintenance of an improved recording, archiving, and retrieval system in the probate offices of Conecuh County. The initial installation of the improved recording, archival, and retrieval system shall include the following:

(1) The acquisition of the equipment for an improved recording, archiving, and retrieving system.

(2) The establishment of procedures for the continued recording, archiving, and retrieving of all instruments and records that will, after the effective installation date, constitute a part of the improved recording, archiving, and retrieving system.

(3) The initial installation of the improved recording, archiving, and retrieving system shall be performed by a person or persons, firm, or corporation engaged in the records management business and experienced in setting up county records and shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts or titles. Following installation in the county, the improved recording, archiving, and retrieving system shall be thereafter maintained in the county and all real property instruments, general property instruments, personal property instruments, and other documents and records herein provided to constitute a part of the system, that may be thereafter filed for record in the probate office of the county shall be in accordance with the improved recording, archiving, and retrieving system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with existing law, including, without limitation, Section 12-13-43, Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records to be recorded, archived, and retrieved with computer-generated files or to be stored and filed on either optical disk or on paper, as determined by the Judge of Probate of Conecuh County, shall constitute the official record of instruments for the purpose of Section 12-13-43, Code of Alabama 1975.

Section 5. All laws of Alabama relating to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved recording, archiving, and retrieving system installed hereunder, including, without limitation, Section 12-13-43, Code of Alabama 1975, and all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims or exemptions, certificates of judgement, or plats or maps showing subdivisions of real estate that are not inconsistent with this act shall continue in effect with respect to an improved recording, archiving, and retrieving system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto.

Section 6. The initial installation costs shall be paid entirely out of the special recording fees. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying the costs of purchasing, operating, or maintaining, after the initial installation, any improved system installed pursuant to this act.

Section 7. Effective immediately after the date this act becomes applicable to Conecuh County, a special recording and filing fee of five dollars (\$5) shall be paid to and collected by the Judge of Probate of Conecuh County, with respect to each real property instrument, each personal property instrument, and each Uniform Commercial Code document that may be filed for record in the office of the judge of probate and with respect to other instruments and documents in the probate office at the discretion of the judge of probate, and on and after that date, no instrument or document shall be received for record in the office of the judge of probate unless the special recording fee of five dollars (\$5) is paid. The special recording fee shall be in addition to all other fees, taxes, and charges required by law to be paid upon the filing for record of any real property instrument, personal property instrument, or Uniform Commercial Code document, and for the recording of other instruments and documents in the probate office at the discretion of the judge of probate. All special recording fees collected shall be paid into the special fund of the Conecuh County Judge of Probate. These funds shall be used only at the discretion

of the judge of probate for an improved recording, archiving, and retrieving system and other equipment, maintenance, and services necessary for the improvement of the office of the judge of probate.

Section 8. Effectively immediately upon the date this act becomes applicable to Conecuh County, a special recording and filing fee of ten (\$10) dollars shall be paid to and collected by the judge of probate with respect to every court case filed in the probate court of Conecuh County. This amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the special fund of the judge of probate as created in Section 7 of this act.

Section 9. Effective immediately upon the date this act becomes applicable to Conecuh County, a special transaction fee of two dollars (\$2) shall be paid to and collected at the discretion of the judge of probate with respect to every transaction occurring in, or under the jurisdiction of the judge of probate with exception of drivers licenses and motor vehicle registrations. This amount shall be in addition to all other costs and fees heretofore collected. Any, all, or none of the special transaction fee so collected shall be paid into a special fund of the judge of probate. The additional fee shall be paid into the special fund of the judge of probate as created in Section 7 of this act.

Section 10. Effective immediately upon the date this act becomes applicable to Conecuh County, a special transaction fee of five dollars (\$5) shall be paid to and collected by its judge of probate with respect to the celebration of the rites of marriage as performed by the judge of probate. This amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the special fund of the judge of probate as created in Section 7 of this act.

Section 11. The fees collected pursuant to this act shall be controlled by the sole discretion of the judge of probate and shall be audited by the Examiners of Public Accounts. The expenditures shall be open to the public on a continuous basis.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 13. Act 86-289 of the 1986 Regular Session (Act 1986, p. 418), is specifically repealed and all laws or parts of laws in conflict with this act are repealed.

Section 14. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-425

H. 65 – Rep. Guin

AN ACT

To amend Section 34-27-35.1, Code of Alabama 1975, relating to the Real Estate Commission, to further provide for the group policy for errors and omissions insurance of real estate licensees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-27-35.1, Code of Alabama 1975, is amended to read as follows:

“§34-27-35.1.

“(a) All real estate licensees, except those whose license is on inactive status with the commission shall, as a condition to holding an active license, carry errors and omissions insurance to cover activities contemplated under Chapter 27 of Title 34.

“(b) The Real Estate Commission shall make the insurance required under this section available to all licensees by contracting with an insurance provider having a current rating in A.M. Best of A minus or better for a group policy, after competitive bidding in accordance with applicable Alabama Law, except that no bid shall be accepted by the commission of any insurance provider having a current or former member of the Alabama Real Estate Commission or spouse thereof in the employment of that provider.

“(c) Any policy obtained by the commission must be available to all licensees with no right on the part of the insurance provider to cancel.

“(d) All licensees shall have the option of obtaining errors and omissions insurance independently, provided that the coverage so obtained complies with the minimum requirements established by the commission. Those who choose this option shall show compliance by providing a certificate of coverage and filing it with the commission office.

“(e) The commission shall determine and set the terms and conditions of coverage mandated under this section, including but not limited to the minimum limits of coverage, the deductible, and exclusions from coverage, and that the total premium shall not exceed two hundred fifty dollars (\$250) per year.

“(f) Each licensee shall be notified of the required terms and conditions of coverage for the policy at least thirty (30) days before his or her license is to be renewed. Proof of coverage shall be furnished to the commission on or before August 31 of the final year of each license period in order for the respective license to be

renewed on a timely basis. Failure to meet this deadline shall result in the license being placed on inactive status on the following October 1, and the license shall be subject to all reactivation requirements. Reactivations shall be processed in the order received as evidenced by postmark or delivery date. Certified or registered mail shall not be used for reactivation in this case.

“(g) If the commission is unable to obtain errors and omissions insurance coverage to insure all licensees who choose to participate in the program as prescribed in subsection (e), the requirement of insurance coverage under this section shall be void during the applicable contract period.

“(h) The errors and omissions insurance coverage required by this section shall become effective as a condition of license issuing or renewal on October 1, 1993. Failure by any licensee to obtain such coverage shall result in his or her license being issued or renewed on inactive status.

“(i) The Alabama Real Estate Commission is hereby authorized to promulgate and implement such administrative rules and regulations in accordance with the state Administrative Procedures Act as shall be necessary, from time to time, to carry out the provisions of this section.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-426

H. 138 – Rep. Carns

AN ACT

To reopen the Teachers' Retirement System to allow certain employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) (1) Any person who, as of July 1, 1990, is an officer or a regular employee of an employer participating in the Teachers' Retirement System and who has previously been employed by another employer eligible for participation in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, shall be eligible to receive creditable service for each year of service previously rendered to another employer

eligible for participation in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, for up to eight years of creditable service provided, that the member claiming the credit shall have attained not less than 10 years of contributing membership service credit, exclusive of military service credit under the Teachers' Retirement System, and the member performs and complies with the condition prescribed in subdivision (2).

(2) A member of the Teachers' Retirement System eligible under subsection (a), may receive credit for service rendered to another employer eligible for participation in the Employees' Retirement System as provided in subdivision (1), provided that prior to receiving the credit, the member shall contribute, prior to the date of his or her retirement, to the Teachers' Retirement System, the full actuarially determined cost for each year of service purchased as determined by the system's actuary. Notwithstanding the foregoing language, no member of the Teacher's Retirement System shall be eligible to receive credit for any service that the member is already credited with in the system or in any other public retirement plan, with the exception of the Federal Social Security Program.

(b) The eligible employer defined in subsection (a) shall certify in writing to the Teachers' Retirement System of Alabama the total employment status and earnable compensation by fiscal year for the member requesting the service credit.

(c) The member shall claim, purchase, and receive credit for all the service certified from the eligible employer up to a maximum of eight years. In addition, the member is only eligible for a maximum of eight years of service credit under this section regardless of the total number of eligible employers and total years of service.

Section 2. This act shall become effective on October 1, 1999, following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-427

H. 53 – Rep. Newton (D)

AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179, 12-19-250, 12-19-251, 15-12-21, 15-12-22, and 15-12-23 of the Code of Alabama 1975; to increase docket fees and earmark the funds for the representation of indigent criminal defendants for the statewide coordination of pro bono legal services and the furtherance of attorney professionalism; to implement a

uniform compensation plan for judges; to provide for enhanced technology to expand the court's capabilities for data exchange; to provide for an increase in the fair trial tax; to provide for an increase of the hourly compensation for in-court and out-of-court time expended for indigent defense; to provide further for the limit on the compensation of attorneys providing indigent defense in certain cases; to provide that the courts may approve an attorney's fee in excess of the maximum attorney's fee allowed, for good cause shown; to create the Advanced Technology and Data Exchange Fund; to provide funding for the statewide coordination of pro bono legal services and the furtherance of attorney professionalism; to establish a uniform pay plan for state trial and appellate judges, phasing out existing county salary supplements and expense allowances; to provide for the distribution of the fees in the Fair Trial Tax Fund, the Advanced Technology and Data Exchange Fund, and the State General Fund; to provide for appropriations from the funds; and to repeal Sections 12-19-250.1 and 40-1-38 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12-19-71, 12-19-72, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179, 12-19-250, 12-19-251, 15-12-21, 15-12-22, and 15-12-23 of the Code of Alabama 1975, are amended to read as follows:

“§12-19-71.

“(a) The docket fees which shall be collected in civil cases shall be:

“(1) Thirty dollars (\$30) for cases filed on the small claims docket of the district court.

“(2) One hundred four dollars (\$104) for cases otherwise filed in the district court.

“(3) One hundred forty dollars (\$140) for cases filed in the circuit court.

“(4) An additional fifty-one dollars (\$51) to be paid at the time the jury is demanded by any party demanding a jury. The increase of one dollar (\$1) shall be paid to the the department or agency responsible for paying the salaries of juvenile probation officers.

“(b) Effective October 1, 2000, the docket fees for civil cases filed in district and circuit courts shall increase by five dollars (\$5).

“§12-19-72.

“(a) The docket fees collected in civil cases shall be distributed as follows:

“(1) For cases on the small claims docket of the district court, twelve dollars (\$12) to the Fair Trial Tax Fund, thirteen dollars (\$13) to the State General Fund, and five dollars (\$5) to the county general fund.

“(2) For other district court cases, sixteen dollars (\$16) to the Fair Trial Tax Fund, seventy-five dollars (\$75) to the State General Fund, five dollars (\$5) to the Advanced Technology and Data Exchange Fund and eight dollars (\$8) to the county general fund.

“(3) For cases filed in circuit court, twenty dollars (\$20) to the Fair Trial Tax Fund, one hundred five dollars (\$105) to the State General Fund, five dollars (\$5) to the Advanced Technology and Data Exchange Fund, and ten dollars (\$10) to the county general fund.

“(4) Ten dollars (\$10) of all sums paid pursuant to subdivision (4) of Section 12-19-71 shall be paid to the Fair Trial Tax Fund and forty dollars (\$40) to the State General Fund.

“(b) Effective October 1, 2000, the additional five dollars (\$5) assessed and collected for civil cases in district and circuit courts shall be distributed to the Fair Trial Tax Fund.

“§12-19-171.

“(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

“(1) District Court:

“a. Traffic infraction	\$92.00
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“b. Issuance of alias	20.00
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writ

“c. Misdemeanor-violation	117.00
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“d. Felony guilty plea	185.00
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“e. Preliminary hearing	30.00
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“f. Bond forfeiture	65.00
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“(2) Circuit Court:

“a. Issuance of alias	30.00
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writ

“b. Misdemeanor	117.00
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“c. Felony	185.00
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“d. Bond forfeiture	65.00
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“(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at eighty-five dollars (\$85) and shall be distributed as follows:

“a. Sixteen dollars (\$16) to the Fair Trial Tax Fund.

“b. Forty-nine dollars (\$49) to the State General Fund,.

“c. Ten dollars (\$10) to the county general fund.

“d. Five dollars (\$5) to the Peace Officers' Standards and Training Fund.

"e. Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

"(4) Uncollected court costs in juvenile cases may not be assessed as charges against the county.

"(b) A fee of eight dollars (\$8) shall be collected for the issuance of each witness subpoena. Witness subpoena fees shall be in addition to docket fees. The subpoena fee shall be distributed as follows:

"(1) Five dollars (\$5) to the county general fund.

"(2) Three dollars (\$3) to the State General Fund.

"(c) Effective October 1, 2000, the docket fees in criminal and juvenile cases shall be increased by five dollars (\$5) and the additional fee shall be deposited into the Fair Trial Tax Fund.

"§12-19-172.

"(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

"(1) Traffic infraction	\$92.00
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"(2) Issuance of alias	20.00
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writ

"(3) Other ordinance violations	117.00
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"(4) Bond forfeiture	65.00
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"(b) Effective October 1, 2000, the docket fee in municipal ordinance cases in district and circuit courts shall be increased by five dollars (\$5) and the additional fee shall be deposited into the Fair Trial Tax Fund.

"(c) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases.

"(d) In addition to the fees now authorized by law, an additional fee of thirty dollars (\$30) shall be assessed in municipal courts upon conviction of a municipal ordinance violation, excluding parking violations. The fees shall be distributed as follows: Nine dollars (\$9) to the Fair Trial Tax Fund; two dollars (\$2) to the municipal general fund; three dollars (\$3) to the Advanced Technology and Data Exchange Fund; and sixteen dollars (\$16) to the State General Fund. These fees shall be collected by the court clerk and remitted monthly in accordance with Rule 4 of the Alabama Rules of Judicial Administration. The two dollars (\$2) which is distributed to the municipal general fund shall be used

only for equipment, training, and certification of municipal court officials and employees and the fees shall not supplant existing funds designated by municipalities for equipment, education, and training of court personnel.

“§12-19-173.

“(a) The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court:

“(1) Sixteen dollars to the fair trial tax fund.

“(2) Thirty-nine dollars (\$39) to the State General Fund. (3) Five dollars (\$5) to the county general fund.

“(4) Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

“(b) Effective October 1, 2000, the docket fees for bond forfeitures in district and circuit courts shall be increased by five dollars (\$5) and the additional fee shall be deposited into the Fair Trial Tax Fund.

“§12-19-174.

“(a) The following distribution shall be made of docket fees for felony cases in circuit court:

“(1) Ten dollars (\$10) to the Peace Officers’ Annuity Fund.

“(2) Sixteen dollars (\$16) to the Fair Trial Tax Fund.

“(3) One hundred four dollars (\$104) to the State General Fund.

“(4) Five dollars (\$5) to the county general fund.

“(5) An arrest fee of five dollars (\$5) to the State General Fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund.

“(6) Thirty dollars (\$30) to the District Attorney Fund or to the fund prescribed by law for district attorney fees.

“(7) Ten dollars (\$10) to the Peace Officers’ Standards and Training Fund.

“(8) Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

“(b) The additional five dollars (\$5) assessed and collected in felony cases effective October 1, 2000, shall be distributed to the Fair Trial Tax Fund.

“§12-19-175.

“(a) The following distribution shall be made of docket fees for misdemeanors in circuit court:

“(1) Sixteen dollars (\$16) to the Fair Trial Tax Funds.

“(2) Sixty-four dollars (\$64) to the State General Fund.

“(3) Ten dollars (\$10) to the county general fund.

“(4) Ten dollars (\$10) to the District Attorney Fund or to the fund prescribed by law for district attorney fees.

“(5) Seven dollars (\$7) to the Peace Officers’ Annuity Fund.

“(6) Five dollars (\$5) to the Peace Officers’ Standards and Training Fund, except that the five dollars (\$5) provided herein for the Peace Officers’ Standards and Training Fund shall not be assessed and collected in traffic or conservation cases.

“(7) Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

“(b) The additional five dollars (\$5) assessed and collected in misdemeanor cases in circuit court, effective October 1, 2000, shall be distributed to the Fair Trial Tax Fund.

“§12-19-176.

“(a) The following distribution shall be made of docket fees for felony guilty plea cases in district court:

“(1) Ten dollars (\$10) to the Police Officers’ Annuity Fund.

“(2) Sixteen dollars (\$16) to the Fair Trial Tax Fund.

“(3) One hundred four dollars (\$104) to the State General Fund.

“(4) Five dollars (\$5) to the county general fund.

“(5) An arrest fee of five dollars (\$5) to the State General Fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund.

“(6) Thirty dollars (\$30) to the District Attorney Fund or to the fund prescribed by law for district attorney fees.

“(7) Ten dollars (\$10) to the Peace Officers’ Standards and Training Fund.

“(8) Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

“(b) The additional five dollars (\$5) assessed and collected in felony guilty plea cases in district court, effective October 1, 2000, shall be distributed to the Fair Trial Tax Fund.

“§12-19-178.

“(a) The following distribution shall be made of docket fees for misdemeanor cases in district court:

“(1) Seven dollars (\$7) to the Police Officers’ Annuity Fund.

“(2) Sixteen dollars (\$16) to the Fair Trial Tax Fund.

“(3) Sixty-four dollars (\$64) to the State General Fund.

“(4) Five dollars (\$5) to the county general fund.

“(5) An arrest fee of five dollars (\$5) to the State General Fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers.

“(6) Ten dollars (\$10) to the District Attorney Fund or to the fund prescribed by law for district attorney fees.

“(7) Five dollars (\$5) to the Peace Officers’ Standards and Training Fund, except that the five dollars (\$5) provided herein for the Peace Officers’ Standards and Training Fund shall not be assessed and collected in conservation cases.

“(8) Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

“(b) The additional five dollars (\$5) assessed and collected in misdemeanor cases in district court, effective October 1, 2000, shall be distributed to the Fair Trial Tax Fund.

“§12-19-179.

“(a) The following distribution shall be made of docket fees for traffic infractions in district court:

“(1) Three dollars (\$3) to the Police Officers’ Annuity Fund.

“(2) Sixteen dollars (\$16) to the Fair Trial Tax Fund.

“(3) Eight dollars and fifty cents (\$8.50) to the State Drivers’ Fund.

“(4) Forty-nine dollars (\$49) to the State General Fund.

“(5) Three dollars (\$3) to the county general fund.

“(6) An arrest fee of five dollars (\$5) to the State General Fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers.

“(7) Two dollars and fifty cents (\$2.50) to the District Attorney Fund or to the fund prescribed by law for district attorney fees.

“(8) Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.

“(b) The additional five dollars (\$5) assessed and collected in traffic cases in district court, effective October 1, 2000, shall be distributed to the Fair Trial Tax Fund.

“(c) Fees for issuance of alias writs from circuit and district courts shall be distributed as follows:

“(1) Writs issuing from district court:

“a. Two dollars (\$2) to the county general fund.

“b. Eighteen dollars (\$18) to the State General Fund.

“(2) Writs issuing from circuit court:

“a. Five dollars (\$5) to the county general fund.

“b. Twenty-five dollars (\$25) to the State General Fund.

“§12-19-250.

“(a) There shall be levied and imposed a tax in the amount of sixteen dollars (\$16), to be called the “fair trial tax,” in each and every criminal case in any municipal court.

“(b) The fee shall be automatically assessed in each case upon conviction or adjudication and shall be collected as other costs are collected.

“(c) The fees charged and collected in the municipal courts pursuant to this section shall be distributed in accordance with Section 12-19-251.1.

“§12-19-251.

“When the fair trial tax is collected in circuit or district court, the clerk or register of the court or the judge if there is no clerk or register shall remit the receipts monthly to the State Treasury to be paid into a fund to be called the “Fair Trial Tax Fund.”

“§15-12-21.

“(a) If it appears to the trial court that a defendant is entitled to counsel, that the defendant does not expressly waive the right to assistance of counsel, and that the defendant is not able financially or otherwise to obtain the assistance of counsel, the court shall appoint counsel to represent and assist the defendant. It shall be the duty of the appointed counsel, as an officer of the court and as a member of the bar, to represent and assist the defendant to the best of his or her ability.

“(b) If it appears to the trial court in a delinquency case, need of supervision case, or other judicial proceeding in which a juvenile

is a party, that the juvenile is entitled to counsel and that the juvenile is not able financially or otherwise to obtain the assistance of counsel or that appointed counsel is otherwise required by law, the court shall appoint counsel to represent and assist the juvenile or act in the capacity of guardian ad litem for the juvenile. It shall be the duty of the appointed counsel, as an officer of the court and as a member of the bar, to represent and assist the juvenile to the best of his or her ability.

“(c) If it appears to the trial court that the parents, guardian, or custodian of a juvenile who is a party in a judicial proceeding, are entitled to counsel and the parties are unable to afford counsel, upon request, the court shall appoint counsel to represent and assist the parents, guardian, or custodian. It shall be the duty of the appointed counsel, as an officer of the court and as a member of the bar, to represent and assist the parties to the best of his or her ability.

“(d) Counsel appointed in cases described in subsections (a), (b), and (c), including cases tried de novo in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be approved by the trial court. The amount of the fee shall be based on the number of hours spent by the attorney in working on the case and shall be computed at the rate of fifty dollars (\$50) per hour for time expended in court and thirty dollars (\$30) per hour for time reasonably expended out of court in the preparation of the case. Effective October 1, 2000, the amount of the fee shall be based on the number of hours spent by the attorney in working on the case and shall be computed at the rate of sixty dollars (\$60) per hour for time expended in court and forty dollars (\$40) per hour for time reasonably expended out of court in the preparation of the case. The total fees paid to any one attorney in any one case, from the time of appointment through the trial of the case, including motions for new trial, shall not exceed the following:

“(1) In cases where the original charge is a capital offense or a charge which carries a possible sentence of life without parole, there shall be no limit on the total fee.

“(2) Except for cases covered by subdivision (1), in cases where the original charge is a Class A felony, the total fee shall not exceed three thousand five hundred dollars (\$3,500).

“(3) In cases where the original charge is a Class B felony, the total fee shall not exceed two thousand five hundred dollars (\$2,500).

“(4) In cases where the original charge is a Class C felony, the total fee shall not exceed one thousand five hundred dollars (\$1,500).

“(5) In juvenile cases, the total fee shall not exceed two thousand dollars (\$2,000).

“(6) In all other cases, the total fee shall not exceed one thousand dollars (\$1,000).

“Notwithstanding the above, the court for good cause shown may approve an attorney’s fee in excess of the maximum amount allowed. Counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in the defense of his or her client to be approved in advance by the trial court. Preapproved expert fees shall be billed at the times the court is notified that all work by the expert has been completed, and shall be paid forthwith. Once an expert has been paid for services on a particular case, that expert shall not be allowed to receive further payment on the case. Retrials of any case shall be considered a new case.

“(e) Within a reasonable time after the conclusion of the trial or ruling on a motion for a new trial or after an acquittal or other judgment disposing of the case, counsel shall submit to the trial court a bill for services rendered, not to exceed the amount provided in subsection (d). If counsel has submitted a bill in excess of the amount allowed in subsection (d), a sworn affidavit shall be attached to the bill stating the basis of the claim of the counsel for additional money, and setting out the good cause required by subsection (d). The bill, after approval by the trial court, shall be submitted by the clerk of the court to the State Comptroller for audit and, if approved by the Comptroller, shall be forwarded to the State Treasurer for payment.

“§15-12-22.

“(a) In all criminal cases wherein a defendant has been convicted of a serious offense in which an appeal lies directly to the Supreme Court or Court of Criminal Appeals and the defendant expresses his or her desire to appeal the conviction, the court shall cause to be entered upon its minutes a recital of notice of appeal, and the court shall then ascertain and make findings in reference to the appeal concerning those items listed in Section 15-12-20.

“(b) If it appears that the defendant desires to appeal and is unable financially or otherwise to obtain the assistance of counsel on appeal and the defendant expresses the desire for assistance of counsel, the trial court shall appoint counsel to represent and assist the defendant on appeal. The presiding judge of the court to which the appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of the counsel, as an officer of the court and as a member of the bar, to represent and assist the defendant in the appeal.

“(c) If it appears that a juvenile who is a party to an appeal is otherwise required by law or by rule of court to be represented by appointed counsel, the trial court shall appoint counsel to represent and assist the juvenile on appeal. The presiding judge of the court to which the appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of the counsel, as an officer of the court and as a member of the bar, to represent and assist the juvenile in the appeal.

“(d) Counsel appointed to defend any indigent defendant for the appeal from a decision in any criminal or juvenile proceeding, excluding cases tried de novo in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be approved by the appellate court.

“(1) The amount of the fee shall be based on the number of hours spent by the counsel in working on the appeal and shall be computed at the rate of fifty dollars (\$50) per hour for time reasonably expended in the prosecution of the appeal, and any subsequent petition for writ of certiorari.

“(2) Effective October 1, 2000, the amount of the fee shall be based on the number of hours spent by the attorney in working on the prosecution of the appeal and shall be computed at the rate of sixty dollars (\$60) per hour for time reasonably expended in the prosecution of the appeal, and any subsequent petition for writ of certiorari.

“(3) The total fees awarded to any one attorney in any appeal and any subsequent petition for writ of certiorari, shall not, however, exceed two thousand dollars (\$2,000), and shall be in addition to any fees awarded on the trial court level. In those cases where the state takes a pretrial appeal, appointed counsel shall be entitled to bill separately for services on the pretrial and post-trial appeals, up to two thousand dollars (\$2,000) for each appeal. In those cases where a petition for writ of certiorari is filed in the Alabama Supreme Court, counsel shall be entitled to bill separately for all services rendered after the Court of Criminal Appeals overrules the application for rehearing, or after the decision of the Court of Criminal Appeals in the case of a pretrial appeal, up to a separate limit of two thousand dollars (\$2,000) over and above any funds received for services rendered in the Court of Criminal Appeals. The counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in preparing and handling the appeal, to be approved in advance by the appellate court.

“(e) Within a reasonable time after the disposition of the appeal, counsel shall submit to the appellate court a bill for services

rendered, not to exceed the amount provided in subsection (d) and the bill, when approved by the presiding judge or chief justice of the appellate court, shall be submitted by the clerk of the appellate court to the State Comptroller for audit and, if approved by the Comptroller, forwarded to the State Treasurer for payment.

“§15-12-23.

“(a) In proceedings filed in the district or circuit court involving the life and liberty of those charged with or convicted of serious criminal offenses including proceedings for habeas corpus or other post conviction remedies, and in post-trial motions or appeals in the proceedings, the trial or presiding judge or chief justice of the court in which the proceedings may be commenced or pending may appoint counsel to represent and assist those persons charged or convicted if it appears to the court that the person charged or convicted is unable financially or otherwise to obtain the assistance of counsel and desires the assistance of counsel and it further appears that counsel is necessary in the opinion of the judge to assert or protect the right of the person.

“(b) In proceedings filed in the district or circuit court involving juvenile offenses including proceedings for habeas corpus or other post conviction remedies, and in post-trial motions or appeals in the proceedings, the trial or presiding judge or chief justice of the court in which the proceedings may be commenced or pending may appoint counsel to represent and assist those juveniles so charged or convicted if it appears to the court that the juvenile charged or convicted is unable financially or otherwise to obtain the assistance of counsel and it further appears that counsel is necessary in the opinion of the judge to assert or protect the rights of the person, or court appointed counsel is otherwise required by law or rule of court.

“(c) It shall be the duty of such counsel as provided in subsections (a) and (b) to represent and assist the person in the proceedings.

“(d) The counsel appointed in the proceedings shall be entitled to receive for his or her services a fee to be approved by the judge appointing him or her. The amount of the fee shall be based on the number of hours spent by counsel in working on the proceedings and shall be computed at the rate of fifty dollars (\$50) per hour for time expended in court and thirty dollars (\$30) per hour for time reasonably expended in preparation of the proceedings. Effective October 1, 2000, the fee shall be computed at the rate of sixty dollars (\$60) per hour for time expended in court and forty dollars (\$40) per hour for time reasonably expended in preparation of the proceeding. The total fees to counsel for the proceedings shall not exceed one thousand dollars (\$1,000).

“(e) Claim for the fee shall be submitted, approved, and paid in the same manner as provided in subsection (e) of Section 15-12-22.”

Section 2. (a) In addition to any other docket fees provided by law, including, but not limited to, the docket fees provided in Sections 12-19-171 and 12-19-176 of the Code of Alabama 1975, the following fees shall be automatically assessed in cases in municipal, juvenile, district, and circuit courts upon conviction or adjudication of the defendant of any of the following offenses:

(1) Unlawful possession of marihuana in the second degree in violation of Section 13A-12-214 of the Code of Alabama 1975....\$40.

(2) Possession of drug paraphernalia, misdemeanor conviction or adjudication, in violation of subsection (c) of Section 13A-12-260 of the Code of Alabama 1975.....\$40.

(3) Delivery, sale, manufacture, etc. of drug paraphernalia in violation of subsection (d) of Section 13A-12-260 of the Code of Alabama 1975:

Misdemeanor.....\$40

Felony\$60

(4) Felony unlawful possession of a controlled substance in violation of Sections 13A-12-212 and 13A-12-213 of the Code of Alabama 1975\$60.

(5) Obtaining a controlled substance by fraud in violation of subdivision (3) of subsection (a) of Section 20-2-72 of the Code of Alabama 1975\$60.

(6) Unlawful distribution, manufacture, or sale of a controlled substance in violation of Section 13A-12-211 of the Code of Alabama 1975\$260.

(7) Trafficking in a controlled substance in violation of Section 13A-12-231 of the Code of Alabama 1975.....\$600.

(b) The fees collected pursuant to this section shall be collected by the court clerk and remitted monthly to the State Treasury in accordance with Rule 4 of the Alabama Rules of Judicial Administration and distributed as follows:

(1) Three eighths of the fee collected shall be deposited in the Fair Trial Tax Fund in the State Treasury and shall be used solely to pay the fees and expenses for the representation of indigent criminal defendants and other persons pursuant to Sections 15-12-21 to 15-12-23, inclusive, of the Code of Alabama 1975.

(2) One eighth of the fee collected shall be deposited in the Advanced Technology and Data Exchange Fund.

(3) One fourth of the fee collected shall be deposited in the State General Fund and shall be used to provide for the statewide coordination of pro bono legal services in civil matters and for the furtherance of professionalism among members of the bench and bar.

(4) One fourth of the fee collected shall be deposited in the State General Fund to implement the uniform judicial pay plan.

Section 3. (a) The Advanced Technology and Data Exchange Fund is created in the State Treasury.

(b) The fund shall consist of all monies paid into the State Treasury to the credit of the fund pursuant to Section 2 or by legislative appropriations, grant, gift, or otherwise.

(c) Monies contained in the Advanced Technology and Data Exchange Fund may be expended to provide for any activities involving the administration of justice including, but not limited to, the following purposes:

(1) Expand methods and means for collection and disbursement of court-ordered monies through the use of credit cards, electronic fund transfers, or other means and provide for electronic transfer of records and storage.

(2) Enhance coordination and sharing of data with local, state, and federal agencies, members of the bar, and the public.

(3) Provide equipment for electronically filing cases.

(4) Improve accountability for case filings and dispositions.

(5) Train and educate employees and officials on the state and municipal levels of the Unified Judicial System regarding legal and administrative policies and procedures and effective usage of the courts' management systems.

(6) Provide education materials including, but not limited to, manuals, forms, handbooks, books, brochures, and technology for legal research and case management for court officials and employees and component groups of the legal community.

(7) Provide staff, services, and equipment required to maintain and expand technological improvements and conduct continuing education and training in these areas.

(8) Pay service charges, electronic transfer fees, or any other transaction costs associated with subdivisions (1) to (7), inclusive.

All such costs shall be paid out of funds appropriated to the Advanced Technology and Data Exchange Fund and shall not reduce amounts due to be distributed to other governmental funds or entities.

(d) The clerks of the circuit and district courts may accept credit cards or debit cards approved by the Administrative Director of Courts for the payment of court costs, fees, fines, forfeitures, or assessments. The following are specifically excluded from payment by credit cards or debit cards: Judgments, restitution, attorney fees, any monies collected and payable to individuals, businesses, partnerships, or any person or entity other than a governmental agency or department.

(e) The Administrative Director of Courts or any municipality may contract with any company that issues credit cards to collect and seize credit cards issued by any company that are outdated or otherwise unauthorized. The state or municipality may charge the company a fee for the return of the credit cards. Any fees collected pursuant to this subsection by state courts shall be deposited into the Advanced Technology and Data Exchange Fund and the fees collected by a municipal court shall be deposited into the general fund of the municipality.

(f) Procedures for implementing the provisions of this act may be promulgated as Rules of Judicial Administration adopted by the Supreme Court of Alabama.

(g) The sum of three million three hundred thousand dollars (\$3,300,000) is appropriated from the Advanced Technology and Data Exchange Fund for the fiscal year ending September 30, 2000, to the Unified Judicial System to be expended as provided in subsection (c). This appropriation shall be in addition to any and all other monies heretofore or hereafter appropriated to the Unified Judicial System. At the end of any fiscal year, any unexpended or unencumbered monies contributed to or deposited in the fund from any source, except appropriations from other state funds, shall remain in the fund.

Section 4. (a) In recognition of the disparity in compensation of circuit and district judges caused by varying amounts of local supplements to state salaries and the need for a uniform plan of compensation, the following comprehensive plan is adopted for the compensation of judges. This plan, when implemented, shall reward judges for judicial experience and phase out local salary supplements and expense allowances.

(1) On October 1, 2000, the salary of circuit judges paid from the State Treasury shall be increased to the amount authorized for attorneys in the classified service of the state as Attorney IV, step 14, on the effective date of this act and the salary of the Supreme Court Justices, Judges of the Appellate Courts, and district judges shall be adjusted correspondingly as provided by Act 111, 1990 Regular Session (Acts 1990, p. 132).

(2) On October 1, 2001, the salary of circuit judges paid from the State Treasury shall be increased to the amount authorized for attorneys in the classified service of the state Attorney IV, step 17, on the effective date of this act and the salary of the Supreme Court Justices, Judges of the Appellate Courts, and district judges shall be adjusted correspondingly as provided by Act 111, 1990 Regular Session (Acts 1990, p. 132).

(3) On October 1, 2002, the salaries of the circuit judges paid from the State Treasury shall be fixed at one thousand dollars (\$1,000) above the maximum amount authorized on the effective date of this act for attorneys in the classified service of the state as Attorney IV, and the salary of Supreme Court Justices, Judges of the Appellate Courts, and district judges shall be adjusted correspondingly as provided by Act 111, 1990 Regular Session (Acts 1990, p. 132).

The salaries of circuit judges shall not be increased above the amounts provided in this act as the result of any increases in the salaries of Attorneys IV which may occur after the effective date of this act.

(b) A circuit or district judge, Supreme Court Justice, or Judge of an Appellate Court may not receive a cost-of-living raise during fiscal year 2000-2001, 2001-2002, or 2002-2003, other than an increase as provided by this act and Act 111, 1990 Regular Session (Acts 1990, p. 132).

(c) A circuit or district judge who is first elected or appointed after October 1, 2001, shall be paid compensation only from the State Treasury, and may not receive any salary supplement or expense allowance, or both, from any county.

(d) (1) Effective October 1, 2000, all circuit and district judges shall receive as additional compensation from the state the base salary provided in subsection (a) plus the appropriate amount for bench experience calculated pursuant to subdivision (2). Any salary supplement or expense allowance being paid by a county commission on September 30, 2000 to a sitting judge shall be diminished on October 1, 2000, and each October 1 thereafter, by the amount that the judge receives from the state for his or her bench experience as provided in subdivision (2). No salary supplement or expense allowance may increase after the effective date of this act.

(2) Effective October 1, 2000, the salary of circuit judges, district judges, Supreme Court Justices, and Judges of the Appellate Courts shall be increased by 1.25 percent for every year that they have served as judges or justices of a state court to a maximum of 25 percent of the base salary.

(3) Any local salary supplement or expense allowance paid to a circuit or district judge shall be reduced by the amount of any

increase in compensation brought about by virtue of the bench experience provision in subdivision (2).

Section 5. The Legislature, recognizing the need to eliminate the disparities in compensation of circuit and district judges due to county supplements and expense allowances in varying amounts authorized by local acts, shall phase out all local supplements and expense allowances as follows:

(1) No Supreme Court Justice, Appellate Judge, circuit judge, or district judge shall receive a cost-of-living raise during fiscal year 2000-2001, 2001-2002, or 2002-2003, other than as provided in Section 4 and Act 111, 1990 Regular Session (Acts 1990, p. 132).

(2) Any county supplement or expense allowance authorized to be paid to a circuit or district judge in office on any day on or after October 1, 2000, to October 1, 2001, inclusive, shall be diminished by the amount the judge receives from the state for his or her bench experience pursuant to subdivision (2) of Section 4.

(3) No salary supplement or expense allowance may increase after the effective date of this act.

(4) No county supplement or expense allowance shall be provided to any circuit or district judge who is first elected or appointed to office after October 1, 2001.

(5) If the implementation of subdivision (2) results in a reduction in salary supplements for a circuit or district judge who receives a supplement from more than one county, such reduction shall be divided proportionally among the affected counties.

Section 6. (a) Passage of this act shall not repeal any law which, on the effective date thereof, provides for the retirement compensation payable from the treasury of any county to a circuit or district judge. Any contribution required by law to be made by a circuit or district judge to be entitled to retirement benefits shall continue at the dollar amount required to be contributed at the effective date of this act, and for any judge elected or appointed on or after the effective date of this act, any benefit paid from the treasury of any county to judges who in the future shall retire shall be fixed at the dollar amount required to be paid at the effective date of this act.

Nothing in this act shall be construed as reducing the benefits payable from the county treasury to judges who have retired or to judges who are in active service on the effective date of this act.

(b) Notwithstanding any provision herein to the contrary, any circuit or district judge who is first elected or appointed after October 1, 2001, shall receive retirement benefits only from the Judicial Retirement Fund of Alabama, and shall not receive any retirement benefit from any county.

(c) No provision of this act shall reduce the amount of retirement benefits from the Judicial Retirement Fund currently authorized for retired justices and judges.

Section 7. (a) To provide the employer's costs to implement the uniform pay plan adopted by this act, there is appropriated to the Unified Judicial System from the State General Fund the following amounts: For fiscal year 2000-2001, nine million five hundred thousand dollars (\$9,500,000); for fiscal year 2001-2002, twelve million five hundred thousand dollars (\$12,500,000); for fiscal year 2002-2003 and each subsequent fiscal year thereafter, fourteen million one hundred thousand dollars (\$14,100,000).

(b) There is appropriated from the State Treasury to the Supreme Court of Alabama the amount of two hundred thousand dollars (\$200,000) for the fiscal year ending September 30, 2000, and each fiscal year thereafter, to be used for the furtherance of attorney professionalism and the statewide coordination of pro bono services in civil cases.

Section 8. The increase in fees authorized by this act shall not affect an increase in the fees authorized in Section 12-17-224 of the Code of Alabama 1975, or any existing cost, fee, fine, or assessment except those specifically set out in this act.

Section 9. Any district attorney or constitutional officer other than a judge whose compensation is affected by this act who receives a local supplement shall have his or her supplement reduced by any increase in his or her state compensation until the supplement is eliminated. No officer appointed or elected after October 1, 2001, shall receive a county supplement or expense allowance in addition to his or her state salary and no salary supplement or expense allowance may increase after the effective date of this act.

Section 10. The phrase "circuit judges" as used in Section 12-17-182 of the Code of Alabama 1975, shall refer to circuit judges who, due to bench experience, are receiving the maximum amount of state compensation.

Section 11. This act shall be known and may be cited as the "Investment in Justice Act of 1999."

Section 12. Sections 12-19-250.1 and 40-1-38 of the Code of Alabama 1975, are specifically repealed.

Section 13. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on June 10, 1999 without approval by the Governor.

Act No. 99-428

H. 398 – Rep. Starkey

AN ACT

Relating to the Legislative Council; to amend Section 29-6-2 of the Code of Alabama 1975, providing for additional membership.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-6-2 of the Code of Alabama 1975, is amended to read as follows:

“§29-6-2.

“The Legislative Council shall consist of the President and President Pro Tempore of the Senate, six members of the Senate elected by the Senate, the Speaker and Speaker Pro Tempore of the House of Representatives, and six members of the House of Representatives elected by the House of Representatives, the chairs of the Senate’s standing committees on finance and taxation and on the judiciary and the chairs of the standing committees on ways and means and on the judiciary of the House. If the Speaker of the House, Speaker Pro Tempore, or President Pro Tempore is also the chair of one of these standing committees, then the vice-chair of the committee shall serve on the council in the place of the chair.

“In addition, the majority and minority leaders of the Senate and the majority and minority leaders of the House shall be members of the Legislative Council. The majority and minority leaders of the House and the majority and minority leaders of the Senate may designate a member of their house to serve on the Legislative Council in their place for a one-year term. The designation shall be in writing to the Chair of the Legislative Council and the Speaker of the House, in the case of the majority or minority leader of the House, or the Lieutenant Governor, in the case of the majority or minority leader of the Senate.

“The President and President Pro Tempore of the Senate and the Speaker and Speaker Pro Tempore of the House of Representatives and any chair of a standing committee who, under this section and Section 29-6-2.1, is a member of the Legislative Council by virtue of holding such chair, may designate a member of his or her house to serve in his or her place on the Legislative Council for a one-year term. The designation shall be in writing to the Chair of the Legislative Council, and the Lieutenant Governor as to Senate members or the Speaker of the House of Representative as to House members.

Additionally, any current House member who has served at least 24 Years and is not appointed to any standing committee

during the quadrennium shall also be a member of the Legislative Council for that quadrennium, and, in such an event, one additional member of the Senate shall serve on the Legislative Council for that same quadrennium, who shall be appointed by the Senate Committee on Assignments.

“The House and Senate members shall be elected at the 1975 regular session of the Legislature, and at the regular session held every four years thereafter. The elected members of the Legislative Council shall serve during their term as legislators, or until their successors are elected as hereinbefore provided. The Legislative Council may make temporary appointments to fill vacancies in its membership.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 10, 1999

Time: 9:35 A.M.

Act No. 99-429

S.J.R. 98 – Senator Preuitt

SENATE JOINT RESOLUTION

COMMENDING RALPH D. GAINES, JR., OF TALLADEGA, ALABAMA.

WHEREAS, highest commendation is herein accorded Ralph D. Gaines, Jr., of Talladega, Alabama, for outstanding contributions and service to the legal profession; and

WHEREAS, a highly regarded member of the Talladega County community and a distinguished member of the legal profession, Ralph D. Gaines has practiced law in Talladega, Alabama, for the past 50 years and is a senior partner in the law firm of Gaines, Gaines, Rasco & Little, P.C.; and

WHEREAS, beyond the vast demands and responsibilities of his practice, Mr. Gaines has given generously and selflessly in leadership and support of many professional and fraternal organizations and societies, including the Alabama Defense Lawyers Association, Talladega County Bar Association, University of Alabama Law School Alumni Association, Farrah Law Society, and Bench and Bar Honor Society; in addition, he is a Fellow of the American College of Trial Lawyers, American Bar Foundation, and Alabama Bar Foundation; and

WHEREAS, he has contributed his energy and foresight to many civic and community organizations and endeavors, including the Talladega City Board of Education, First Baptist Church of

Talladega, Alabama Institute for the Deaf and Blind, Talladega Jaycees, Talladega United Givers Fund, Talladega Kiwanis Club, and Talladega Chamber of Commerce, among others; and

WHEREAS, a veteran of the United States Navy in World War II, Mr. Gaines earned a Bachelor's degree in Business Administration from Tulane University of Louisiana and a Bachelor of Law degree from the University of Alabama in 1949; he is married to the former Mary Sue Pafford and they are the proud parents of three sons, Ralph D. Gaines, III, Charles P. Gaines, and Lucius Shaw Gaines, and two daughters, Mary Susannah Herring and Priscilla G. McMillan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ralph D. Gaines, Jr., for his outstanding contributions to the legal profession and the Talladega County community, and direct that he receive a copy of this resolution as an expression of our sincere regard and esteem.

Approved June 10, 1999

Time: 12:30 P.M.

Act No. 99-430

H. 60 – Reps. Hubbard, McClurkin,
Vance, Morrison, Crigler,
Gaston, Wren and
Hawkins

AN ACT

To amend Sections 32-7-6, and 32-7-7, Code of Alabama 1975, and to add Section 32-7-6.1, relating to the Motor Vehicle Safety-Responsibility Act requirements of proof of financial responsibility; requiring as a condition of registration and licensing a motor vehicle, proof of a motor vehicle liability insurance policy, in force, from a licensed insurance company, or certain other financial responsibility; setting the policy coverage: providing for an effective date; and providing for certain exceptions for the issuance of a citation by a law enforcement officer in certain instances; providing for fines and the distribution of the fines and for a criminal penalty for failure to furnish proof or evidence of required minimum insurance coverage; providing for certain exceptions and conditional releases for the payment of claims; and providing the conditions under which interest is paid on payments of claims.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-6, Code of Alabama 1975, is amended to read as follows:

“§32-7-2.

“§32-7-6.

“(a) If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of five hundred dollars (\$500), the director does not have on file evidence satisfactory that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement or conditional release providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, which agreement or conditional release may include reasonable interest as set out in Section 32-7-7, the director shall determine the amount of security which shall be sufficient in his or her judgment to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against each operator or owner.

“(b) The director shall, within 60 days after the receipt of the report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if the operator is a nonresident the privilege of operating a motor vehicle within this state, and if the owner is a nonresident the privilege of the use within this state of any motor vehicle personally owned, unless the operator or owner or both shall deposit security in the sum so determined by the director. Notice of the suspension shall be sent by the director to the operator and owner, not less than 10 days prior to the effective date of the suspension, and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2), or (3) of subsection (c) of this section, he or she shall take appropriate action as provided within 60 days after receipt by the director of correct information with respect to these matters. Upon applying for reinstatement for suspension imposed under this section, no reinstatement fees shall be assessed if proper documentation is provided to the director that acceptable insurance was in effect at the time of the motor vehicle accident.

“(c) This section shall not apply under the conditions stated in Section 32-7-7 nor in any one of the following if:

“(1) The operator or owner if the owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in the accident.

“(2) The operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to the operation of motor vehicles not owned by him or her.

"(3) The operator or owner if the liability of the operator or owner for damages resulting from the accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond.

"(4) Any person qualifying as a self-insurer under Section 32-7-34, or to any person operating a motor vehicle for the self-insurer.

"No policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state unless the motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof. The policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon the policy or bond arising out of the accident provided, that every policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty thousand dollars (\$20,000) because of bodily injury to or death to one person in any one accident and subject to the limit for one person, to a limit of not less than forty thousand dollars (\$40,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident.

Section 2. Section 32-7-6.1 is added to the Code of Alabama 1975, as follows:

(a) No person registering or licensing a motor vehicle pursuant to Article 5 of Title 40, Chapter 12, Code of Alabama 1975, may register the vehicle unless he or she presents to the registering officer for filing a certificate issued and signed by an authorized representative of an insurance company authorized to transact business in the State of Alabama, showing that he or she has secured and made the required payments on a motor vehicle liability insurance policy, as defined in, and meeting the requirements of, Section (b) (1). The certificate shall be in the form prescribed by the Commissioner of Insurance. It shall contain the full name and address of the person to whom it is issued, the number of the motor vehicle liability insurance policy issued to him or her, the Vehicle Identification Numbers (VIN) or serial numbers of the vehicle or vehicles covered by the policy, the policy period, an indication that the policy provides the levels of coverage required under this section and any other related information required by the Commissioner of Insurance. In addition, each person registering or licensing a motor vehicle shall sign an

affidavit, the form of which shall be approved by the Commissioner of Insurance, stating under penalty of perjury, that they have a current and in force motor vehicle liability insurance policy.

(b) (1) As used in this act, "motor vehicle liability policy" means an owner's policy which meets the following requirements:

(2) Designates by explicit description, or by appropriate reference, all motor vehicles with respect to which coverage is thereby granted.

(3) Insures the person named and any other person covered under the policy against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the motor vehicle or motor vehicles within this state, subject to the policy limits, exclusive of interests and costs, with respect to each motor vehicle, of: twenty thousand dollars (\$20,000) because of bodily injury to or death of one person; or forty thousand dollars (\$40,000) because of bodily injury to or death of more than one person in any one accident; and ten thousand dollars (\$10,000) because of injury to or destruction of the property of others in any one accident.

(4) A motor vehicle liability policy shall state: the name and address of the named insured; the coverage afforded by the policy; the premium charges therefor; the policy period; the limits of liability; and an agreement, or an endorsement that insurance is provided thereunder in accordance with the coverage defined in this act relating to bodily injury and death, or property damage, or both.

(5) A motor vehicle policy need not insure any liability under any workers' compensation law, or any liability on account of bodily injury or death of an employee of the insured while engaged in the employment of the insured, or while engaged in the operation, maintenance, or repair of the motor vehicle, or any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(6) Every motor vehicle liability policy shall be subject to the following provisions:

(i) The policy may not be canceled or annulled as to the liability by any agreement between the insurer and the insured after the occurrence of the injury or damage. No statement made by the insured, or on his or her behalf, and no violation of the policy shall defeat or void it. This subsection shall not prohibit an insurer from canceling a policy of motor vehicle liability insurance due to material misrepresentation by the insured.

(ii) The satisfaction by the insured of a judgment for injury or damage shall not be a condition precedent to the right, or duty of the insurer, to make payment on account of the injury or damage.

(iii) The insurer may settle any claim covered by the policy, and if the settlement is made in good faith, the amount of the settlement

up to the policy limits shall be deductible from the limit of liability specified in the policy.

(iv) The policy, the written application therefore, if any, and any rider or endorsement which does not conflict with this act shall constitute the entire contract between the parties.

(7) Any motor vehicle liability policy may provide that the insured shall reimburse the insurer for any payment the insurer would not have been obligated to make under the terms of the policy except for this act.

(8) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(9) For the purposes of registering a motor vehicle under the provisions of this act, any binder issued by a licensed agent of a company pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

(c) Any applicant registering more than one vehicle may, in lieu of procuring a separate policy covering each motor vehicle, procure a single motor vehicle liability policy covering all motor vehicles owned or controlled by him or her.

(d) No cancellation, rescission, abrogation, or termination, whether by the insurer or the insured, of any policy of motor vehicle liability insurance accepted in satisfaction of the requirement of this act shall be valid unless written notice thereof is given at least 30 days before the proposed effective date of the cancellation, rescission, abrogation, or termination, to the insured and the Director of Public Safety. Upon notification of cancellation, the Department of Public Safety shall require proof of valid insurance be provided to the department prior to the date of cancellation of the policy or that the license tags for the vehicle or vehicles covered by the canceled policy be surrendered. The 30 day notice imposed by this subsection shall not apply when a policy of motor vehicle liability insurance is voided due to material misrepresentation by the insured. The 30 day notice imposed by this subsection also shall not apply when an insured cancels a policy and replaces it with another.

(e) Any person who issues or alters without authority or forges a certificate, certifying that a motor vehicle is covered by a liability insurance policy with the intent of securing the registration of a motor vehicle required by this act, shall be punished by a fine of not more than five thousand (\$5,000), by imprisonment for not more than 12 months, or both.

(f) This section shall not apply and a citation shall not be issued to any of the following vehicles or individuals:

(1) A motor vehicle owned by the United States, this state, or any political subdivision of this state, nor with respect to any motor vehicle

which is subject to the requirements of existing law requiring insurance, or other security on common carriers, or public conveyances.

(2) An individual who deposits with the State Treasurer the sum of forty thousand dollars (\$40,000) in cash, such a deposit to be held by the State Treasurer as security for payment by the depositor, or by any person responsible for the operation of the depositor's motor vehicle with his or her express or implied consent, of all judgments rendered against the depositor or other authorized operator of the depositor's motor vehicle arising from injury, death, or damage sustained through use, operation, maintenance, or control of the motor vehicle within the State of Alabama.

(3) An individual who secures a motor vehicle liability bond in the amount of forty thousand dollars (\$40,000) from a surety company authorized to transact business in the State of Alabama. The bond shall be conditioned on the payment of the amount of any judgment rendered against the principal in the bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle within the State of Alabama.

(4) A self-insured which has been issued a certificate of self-insurance by the Director of Public Safety pursuant to Section 32-7-34.

5) Licensed and authorized motor vehicle dealers covered by a blanket policy of insurance.

(g) (1) The owner or operator of a motor vehicle shall keep proof or evidence of required minimum insurance coverage in the vehicle at all times during the operation of the vehicle. The owner of a motor vehicle shall provide to any operator of a vehicle proof or evidence of required minimum insurance coverage for the purpose of compliance with this subsection. Except as otherwise provided in subsection (g) (4), any person who fails to comply with the requirements of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed one hundred fifty dollars (\$150).

(2) Every law enforcement officer in this state shall request the operator of a motor vehicle to produce proof or evidence of required minimum insurance coverage every time the law enforcement officer requests the presentation of the driver's license of the operator of the vehicle.

(3) If the owner or operator of a motor vehicle fails to show proof or evidence of required minimum insurance, the law enforcement officer shall issue a uniform traffic citation for operating a motor vehicle without proof of insurance and shall take possession of the driver's license and forward it to a court of competent jurisdiction. Where an officer

takes possession of a person's driver's license, such person shall have a seventy-two (72) hour period during which the citation issued by the confiscating officer shall serve as immunity from citations for failure to have a driver's license. If the court or officer determines that the operator is not the owner, a uniform traffic citation may be issued to the owner for authorizing the operation of a motor vehicle without proof of insurance.

(4) For the first citation issued to a person under this section, if the person receiving the citation shows to the court having jurisdiction of the case that required minimum insurance coverage was in effect at the time the citation was issued, the court shall return the driver's license without payment of a fine, and without payment of court costs. The court shall not forward a record of the disposition of the case to the Department of Public Safety, and the driver's license of the person shall not be suspended. For each subsequent citation issued to a person under this section, if the person receiving the citation shows to the court having jurisdiction of the case that required minimum insurance coverage was in effect at the time the citation was issued, the court shall return the driver's license upon payment of a fine not to exceed one hundred fifty dollars (\$150) and the court shall have authority to waive court costs. The court shall not forward a record of the disposition of the case to the Department of Public Safety, and the driver's license of the person shall not be suspended.

(h) An owner or any other person who knowingly operates or knowingly authorizes another to operate a motor vehicle without the required minimum insurance on the vehicle or without an approved plan of self-insurance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to, in addition to the fine set forth in subsection (g), a fine not to exceed five hundred dollars (\$500) for the first conviction. Upon each subsequent conviction, a person shall be subject to a fine not to exceed one thousand dollars (\$1,000) or suspension of their driver's license for a period not to exceed six months, or both fine and suspension. An operator of a motor vehicle shall not be guilty of a violation of this section if the operator maintains a policy of motor vehicle insurance which extends coverage to any vehicle the operator may drive.

(i) (1) The Director of the Department of Public Safety shall have the authority to promulgate additional rules and regulations to enforce this section. The Director of the Department of Public Safety shall submit a report to the legislature each year indicating increased costs associated with the implementation of this section.

(2) The revenues generated by the fines set forth herein and a portion of additional insurance premium taxes generated from the sale of additional insurance shall be appropriated each year to the Department of Public Safety by the legislature to offset the cost of implementing the provisions of this section.

Section 3. Section 32-7-7 of the Code of Alabama 1975, is amended to read as follows:

“§32-7-7.

“The requirements as to security and suspension in section 32-7-6 shall not apply to any of the following persons:

“(1) The operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the operator or owner.

“(2) The operator or the owner of a motor vehicle legally parked at the time of the accident.

“(3) The owner of a motor vehicle if at the time of the accident the vehicle was being operated without the permission of the owner, express or implied, or was parked by a person who had been operating the motor vehicle without the permission.

“(4) If, prior to the date that the director would otherwise suspend license and registration or nonresident’s operating privilege under section 32-7-6, there shall be filed with the director evidence satisfactory to him or her that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement or conditional release providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident, which agreement or may properly include reasonable interest charges not to exceed three percent above the prime rate in effect at the time of the signing of the agreement or conditional release.

Section 4. Owners of vehicles that are registered on the effective date of this section shall not be subject to the provisions of this section until the final day of the month in which such registration must be renewed in 2000.

Section 5. Subject to the discretion of the Commissioner of Insurance, any increase in automobile insurance rates sought in the future should come before a public rate hearing.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective June 1, 2000, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 10, 1999

Time: 7:45 A.M.

Act No. 99-431

H.J.R. 562 – Rep. Johnson

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA OILMEN'S ASSOCIATION
AND ALABAMA ASSOCIATION OF CONVENIENCE STORES
ON ITS 50TH ANNIVERSARY.

WHEREAS, the Alabama Oilmen's Association and Alabama Association of Convenience Stores is celebrating its 50th Anniversary in Destin, Florida, on June 13, 1999, and it is appropriate at this time to highlight its history of achievements and to underscore the positive impact that it has had on the communities that it serves; and

WHEREAS, originally formed as the Alabama Petroleum Marketers Association in 1949, the Alabama Oilmen's Association incorporated as a result of a merger in 1984 between the Alabama Petroleum Marketers Association and the Independent Oilmen's Association, which had been formed in 1966; and

WHEREAS, the Alabama Oilmen's Association and Alabama Association of Convenience Stores, which is a collection agent for the State of Alabama, has 400 active member companies and 250 supplier member companies, and employs more than 20,000 full and part-time workers, thereby accounting for almost 80% of Alabama's annual sales of gasoline, diesel fuel, and kerosene; and

WHEREAS, since its founding, the Alabama Oilmen's Association and Alabama Association of Convenience Stores has maintained a tradition of high quality professionalism while displaying excellence in civic leadership and has been a source of great pride to the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Oilmen's Association and Alabama Association of Convenience Stores is commended on the celebration of its 50th Anniversary and applauded for the community service that its employees have contributed to the State of Alabama.

Approved June 10, 1999

Time: 12:31 P.M.

Act No. 99-432

H. 333 – Rep. Jones

AN ACT

To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol and drugs; to provide that the sentence of certain persons who are convicted of driving a motor vehicle while under the influence of alcohol or a controlled substance shall be enhanced if a child under the age of 14

years was in the vehicle at the time of the offense; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-5A-191 of the Code of Alabama 1975, is amended to read as follows:

“§32-5A-191.

“(a) A person shall not drive or be in actual physical control of any vehicle while:

“(1) There is 0.08 percent or more by weight of alcohol in his or her blood;

“(2) Under the influence of alcohol;

“(3) Under the influence of a controlled substance to a degree which renders him or her incapable of safely driving;

“(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving; or

“(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

“(b) A person who is under the age of 21 years shall not drive or be in actual physical control of any vehicle if there is .02 percentage or more by weight of alcohol in his or her blood. The Department of Public Safety shall suspend or revoke the driver's license of any person, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on this subsection. Notwithstanding the foregoing, upon the first violation of this subsection by a person whose blood alcohol level is between .02 and .08, the person's driver's license or driving privilege shall be suspended for a period of 30 days in lieu of any penalties provided in subsection (e) of this section and there shall be no disclosure, other than to courts and law enforcement agencies, by any entity or person of any information, documents, or records relating to the person's arrest, conviction, or adjudication of or finding of delinquency based on this subsection.

“All persons, except as otherwise provided in this subsection for a first offense, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on this subsection shall be fined pursuant to this section, notwithstanding any other law to the contrary.

“(c) A school bus or day care driver shall not drive or be in actual physical control of any vehicle while in performance of his or her duties if there is greater than .02 percentage by weight of alcohol in his or her blood. A person convicted pursuant to this subsection shall be subject to the penalties provided by this section except that on the first conviction the Director of Public Safety shall suspend the driving privilege or driver’s license for a period of one year.

“(d) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

“(e) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than six hundred dollars (\$600) nor more than two thousand one hundred dollars (\$2,100), or by both a fine and imprisonment. In addition, on a first conviction, the Director of Public Safety shall suspend the driving privilege or driver’s license of the person convicted for a period of 90 days.

“(f) On a second conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than one thousand one hundred dollars (\$1,100) nor more than five thousand one hundred dollars (\$5,100) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. The sentence shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition the Director of Public Safety shall revoke the driving privileges or driver’s license of the person convicted for a period of one year.

“(g) On a third conviction, a person convicted of violating this section shall be punished by a fine of not less than two thousand one hundred dollars (\$2,100) nor more than ten thousand one hundred dollars (\$10,100) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and cannot be probated or suspended. In addition, the Director of Public Safety shall revoke the driving privilege or driver’s license of the person convicted for a period of three years.

“(h) On a fourth or subsequent conviction, a person convicted of violating this section shall be guilty of a Class C felony and punished

by a fine of not less than four thousand one hundred dollars (\$4,100) nor more than ten thousand one hundred dollars (\$10,100) and by imprisonment of not less than one year and one day nor more than 10 years. Any term of imprisonment may include hard labor for the county or state, and where imprisonment does not exceed three years confinement may be in the county jail. Where imprisonment does not exceed one year and one day, confinement shall be in the county jail. The minimum sentence shall include a term of imprisonment for at least one year and one day which may be suspended or probated, but only if the defendant enrolls and successfully completes a state certified chemical dependency program recommended by the court referral officer and approved by the sentencing court. Where probation is granted, the sentencing court may, in its discretion, and where monitoring equipment is available, place the defendant on house arrest under electronic surveillance during the probationary term. In addition to the other penalties authorized, the Director of Public Safety shall revoke the driving privilege or driver's license of the person convicted for a period of five years.

"Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

"(i) In addition to the penalties provided herein, any person convicted of violating this section shall be referred to the court referral officer for evaluation and referral to appropriate community resources. The defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by the Administrative Office of Courts and operated in accordance with provisions of the Mandatory Treatment Act of 1990, Sections 12-23-1 to 12-23-19, inclusive. The Department of Public Safety shall not reissue a driver's license to a person convicted under this section without receiving proof that the defendant has successfully completed the required program.

"(j) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving under the influence of alcohol or of a controlled substance.

"(k) Except for fines collected for violations of this section charged pursuant to a municipal ordinance, fines collected for violations of this section shall be deposited to the State General Fund; however, beginning October 1, 1995, of any amount collected over two hundred fifty dollars (\$250) for a first conviction, over five hundred dollars (\$500) for a second conviction within five years,

over one thousand dollars (\$1,000) for a third conviction within five years, and over two thousand dollars (\$2,000) for a fourth or subsequent conviction within five years, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund, after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and beginning October 1, 1997, and thereafter, the second one hundred dollars (\$100) of that additional amount shall be deposited in the Impaired Drivers Trust Fund after deducting five percent of the one hundred dollars (\$100) for administrative costs and the remainder of the funds shall be deposited to the State General Fund. Fines collected for violations of this section charged pursuant to a municipal ordinance shall be deposited as follows: the first three hundred fifty dollars (\$350) collected for a first conviction, the first six hundred dollars (\$600) collected for a second conviction within five years, the first one thousand one hundred dollars (\$1,100) collected for a third conviction, and the first two thousand one hundred dollars (\$2,100) collected for a fourth or subsequent conviction shall be deposited to the State Treasury with the first one hundred dollars (\$100) collected for each conviction credited to the Alabama Chemical Testing Training and Equipment Trust Fund and the second one hundred dollars (\$100) to the Impaired Drivers Trust Fund after deducting five percent of the one hundred dollars (\$100) for administrative costs, and the balance credited to the State General Fund. Any amounts collected over these amounts shall be deposited as otherwise provided by law.

“(l) A person who has been arrested for violating this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his or her blood as specified in subsection (a)(1) or, in the case of a person who is under the age of 21 years, subsection (b) hereof.

“(m) Upon verification that a defendant arrested pursuant to this section is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or oral notification of the defendant’s subsequent arrest and pending prosecution to the court in which the prior conviction occurred.

“(n) When any person over the age of 21 years is convicted pursuant to this section and a child under the age of 14 years was present in the vehicle at the time of the offense, the defendant shall be sentenced to double the minimum punishment that the person would have received if the child had not been present in the motor vehicle.”

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 10, 1999

Time: 10:25 A.M.

Act No. 99-433

H. 491 – Reps. Greeson, Dean, Oden, Morrison, McMillan, Thomas (E), Fuller, Vance, Thomas (D), Robinson (O), Haney, Allen, Hooper, Hall (A), Robinson (J), Martin, Hurst, Spicer, Baker, Ford, Sanderford, Morton, Venable and Greene

AN ACT

Establishing the Juvenile Information Act; to amend Sections 12-15-100, 12-15-101, 12-15-102, 41-9-622, and 41-9-623, Code of Alabama 1975, relating to confidentiality of juvenile records; to provide juvenile arrest information to law enforcement agencies; to require notice to school officials concerning juveniles adjudicated as delinquent for Class A or Class B felonies and give judges discretion to provide notice for all other crimes; to require fingerprints, photographs, and DNA samples of a child who has been taken into custody for an alleged delinquent act; and to further define the role of the Alabama Criminal Justice Information Center concerning the storing and supplying of information relating to children adjudicated as delinquent; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as and may be cited as the “Juvenile Information Act.”

Section 2. The Legislature reaffirms its belief that juvenile court records, in general, should be confidential. However, it is the intent of the Legislature by this act to provide for limited exceptions to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to aid in the rehabilitation of juvenile criminal

offenders as well as to lessen the potential for drugs use, violence, and other forms of delinquency.

Section 3. Sections 12-15-100, 12-15-101, 12-15-102, 41-9-622, and 41-9-623, Code of Alabama 1975, are amended to read as follows:

“§12-15-100.

“(a) Social, medical, and psychiatric or psychological records, including reports of preliminary inquiries and predisposition studies, of delinquent, in need of supervision and dependent children, including supervision records of such children, shall be filed separate from other files and records of the court and shall be open to inspection and copying, only by the following:

“(1) The judge and probation officers and professional staff assigned to serve the court.

“(2) Representatives of a public or private agency or department providing supervision or having legal custody of the child.

“(3) Any other person or agency that the juvenile court determines, after a hearing has a legitimate interest in the case or in the work of the court.

“(4) The probation and other professional staff assigned to serve a criminal court, including the prosecutor and the attorney for the defendant, for use in considering the sentence to be imposed upon a convicted person, or one adjudicated a youthful offender, who, prior thereto, had been a party to the proceedings in court.

“(5) The probation and other professional staff assigned to serve a criminal court when investigating or considering youthful offender applications.

“(6) The parent of the child, except when parental rights have been terminated, or guardian and the counsel and the guardian ad litem of the child.

“(7) The principal of the school in which the child is enrolled, or the representative of the principal, and other school officials as the principal deems necessary, upon written petition to the juvenile court setting forth the reasons why the safety or welfare, or both, of the school, its students, or personnel, necessitate production of the information and without which the safety and welfare of the school, its students, and personnel, would be threatened.

“(b) All or any part of the records enumerated in subsection (a) or information secured from the records, when presented to and

used by the judge in court or otherwise in a proceeding under this chapter, shall also be made available to the parties to the proceedings and their counsel and representatives.

“(c) All other court records, including the docket, petitions, motions, and other papers filed with a case, transcripts of testimony, findings, verdicts, orders, and decrees shall be open to inspection by those persons and agencies designated in subsections (a) and (b).

“(d) Petitions, motions, court notices, or dispositions shall be open to inspection by the victim or the victim’s representatives

“(e) Whoever, except for the purposes permitted and in the manner provided by this section, discloses or makes use of or knowingly permits the use of information concerning a child before the court directly or indirectly derived from the records of the court or acquired in the course of official duties, upon conviction thereof, shall be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

“§12-15-101.

“(a) The court shall, by rule, require all law enforcement agencies to take special precautions to insure that law enforcement records and files concerning a child will be maintained in a manner and under such safeguards that will protect against disclosure to any unauthorized person. Unless a charge of delinquency is transferred for criminal prosecution under Section 12-15-34 or the court otherwise orders in the interest of the child or of national security, the records and files with respect to the child shall not be open to public inspection nor their contents disclosed to the public.

“(b) Law enforcement records and files described in subsection (a) shall be open to inspection and copying by the following:

“(1) A juvenile court having the child currently before it in any proceeding.

“(2) The officers of the Department of Human Resources, the Department of Youth Services, public and nongovernmental institutions or agencies to which the child is currently committed and those responsible for his or her supervision after release.

“(3) Any other person, agency, or institution, upon written request, that the juvenile court determines to have a legitimate interest in the case or in the work of the law enforcement agency.

“(4) Law enforcement officers of other jurisdictions when necessary for the discharge of their current official duties.

“(5) The probation and other professional staff of a court in which the child is subsequently convicted of a criminal offense or adjudicated as a youthful offender for the purpose of a presentence report or other dispositional proceedings, officials of penal institutions and other penal facilities to which the child is committed or a parole board in considering his or her parole or discharge or in exercising supervision over him or her.

“(6) The probation and other professional staff serving a criminal court when investigating or considering youthful offender applications.

“(7) The parent, guardian or other custodian and counsel for the child.

“(8) The principal of the school in which the child is enrolled, or the representative of the principal, and other school officials as the principal deems necessary, upon written petition to the juvenile court setting forth the reasons why the safety or welfare, or both, of the school, its students, or personnel, necessitate production of the information and without which the safety and welfare of the school, its students, and personnel, would be threatened.

“(c) Law enforcement records may be viewed by victims during the investigation of a crime at the discretion of the investigating officer.

“(d) All law enforcement agencies shall report to the Alabama Criminal Justice Information Center that a child has been charged with an act of delinquency along with any pertinent identifying information or historical data concerning that child, when:

“(1) The child is taken into custody and charged with an act of delinquency for an act which would constitute a felony if committed by an adult, or

“(2) The child is taken into custody and charged with an act of delinquency for an act which would constitute a misdemeanor, according to subdivision (2) of Section 41-9-622 if committed by an adult.

“(e) Whoever, except as provided in subsections (a), (b), and (c), directly or indirectly discloses or makes use of or knowingly permits the use of information concerning a child described in those subsections, upon conviction thereof, shall be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

“§12-15-102.

“(a) Fingerprints of a child who has been charged with an act of delinquency shall be taken by the agency taking the child into custody. The prints may be retained in a local file and a copy shall be filed with the Alabama Bureau of Investigation.

“(b) If latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of the child in custody, the officer may fingerprint the child regardless of age or offense for purpose of immediate comparison with the latent fingerprints. The prints may be retained in a local file and copies shall be sent to the Alabama Bureau of Investigation.

“(c) The court shall, by rule, require special precautions be taken to insure that the fingerprints will be maintained in a manner and under safeguards as to limit their use to inspection for comparison purposes by law enforcement officers or by staff of the depository only in the investigation of a crime.

“(d) A child who is charged with an act of delinquency shall be photographed for criminal identification purposes. A child in custody for any other reason shall not be photographed for criminal identification purposes without the consent of the court. The photographs shall be retained in a local file with the same safeguards in place as for fingerprints.

“(e) Blood or other samples necessary for DNA testing may be taken for criminal identification purposes from a child who is charged with an act that would constitute a Class A or B felony if committed by an adult. The samples, if taken, shall be submitted for DNA testing and the DNA records shall be filed with the Alabama Department of Forensic Sciences. The court shall, by rule, require special precautions be taken to ensure that the DNA records will be maintained in a manner and under safeguards that will limit their use to inspection for identification purposes by law enforcement officers or by staff of the testing facility only in the investigation of a crime.

“(f) Any person who willfully violates this section shall, upon conviction thereof, be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

“§41-9-622.

“The commission may obtain, compare, file, analyze, and disseminate, and all state, county, and municipal criminal justice agencies are required to report fingerprints, descriptions, photographs, and any other pertinent identifying and historical criminal data on the following persons:

“(1) Persons who have been or are hereafter arrested or convicted in this state or any state for an offense which is a felony or an offense which is a misdemeanor escalating to a felony involving, but not limited to: possession of burglary tools or unlawful entry; engaging in unlawful commercial gambling; dealing in gambling; dealing in gambling devices; contributing to the delinquency of a child; robbery, larceny or dealing in stolen property; possession of controlled substances and illegal drugs,

including marijuana; firearms; dangerous weapons; explosives; pandering; prostitution; rape; sex offenses, where minors or adults are victims; misrepresentation; fraud; and worthless checks.

“(2) Persons who have been or are hereafter charged with an act of delinquency or adjudicated a youthful offender in this state or any state for an act which would constitute a felony or misdemeanor offense, as described in subsection (1), or any other offense as prescribed by state or federal law if it had been committed by an adult.

“§41-9-623.

“(a) All criminal justice agencies within the state shall submit to the ACJIC, by forwarding to the Alabama Department of Public Safety, fingerprints, descriptions, photographs, when specifically requested, and other identifying data on the following persons:

“(1) Persons who have been lawfully arrested in this state for all felonies and certain misdemeanors described in Section 41-9-622.

“(2) Persons who have been charged with an act of delinquency or adjudicated a youthful offender for conduct which would constitute a felony or misdemeanor offense, as described in subsection (1), if committed by an adult.

“(b) All chiefs of police, sheriffs, prosecuting attorneys, parole and probation officers, wardens, or other persons in charge of correctional or detention institutions in this state shall furnish the ACJIC with any other data deemed necessary by the commission to carry out its responsibilities under this article.”

Section 4. (a) Notwithstanding subsections (a) and (c) of Section 12-15-100, Code of Alabama 1975, written notice that a child enrolled in a school, kindergarten to grade 12, inclusive, has been found delinquent of an act which if committed by an adult would be a Class A or B felony or any other crime at the discretion of the judge shall be provided within seven days to the superintendent of the school district of attendance, or, if the child attends a private school, to the principal of the school. The court shall provide the notice using whatever method it deems appropriate or otherwise as decided by the Administrative Office of Courts. The prosecutor may recommend to the court that notice be given to the school for any delinquent act. Written notice shall include only the offenses, enumerated by the appropriate Code section and brief description, found to have been committed by the child and the disposition of the child's case. Where applicable, this notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall disseminate the information to those counselors directly supervising or

reporting on the behavior or progress of the child. In addition, the principal may disseminate the information to any teacher, administrator, or other school employee directly supervising or reporting on the behavior or progress of the child whom the principal believes needs the information to work with the pupil in appropriate fashion or to protect other students and staff.

(b) Any information received by a teacher, counselor, administrator, or other school employee under this subdivision shall be received in confidence for the limited purpose of rehabilitating the child and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

(c) An intentional violation of the confidentiality provisions of this section is a Class A misdemeanor within the jurisdiction of the juvenile court.

Section 5. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 10, 1999

Time: 10:26 A.M.

Act No. 99-434

H. 157 – Reps. Hawk, Thomas (J),
Kennedy and Mancuso

AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 2000, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this act, the amounts specified in subsections (a), (b), (c), and (d) of Section 3 of this act. For the purpose specified in

subsection (b) of Section 2 of this act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this act. For the purpose of this act, "ETF" shall mean the Education Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 2000, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of the Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown hereinunder the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available, and the same are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

SECTION 3.

Education Trust Fund	Earmarked Funds	Appropriation Total
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3A. LEGISLATIVE BRANCH:

1. COMMUNITY SERVICES GRANTS, JOINT LEGIS- LATIVE OVERSIGHT COM- MITTEE ON:

(a) Community Services Grants Program	10,000,000
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SOURCE OF FUNDS:

(1) ETF	10,000,000
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Total Community Services Grants, Joint Legislative Oversight Committee on	10,000,000	10,000,000
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The above appropriation shall be used for grants that promote public education purposes.

2. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program		2,796,508
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SOURCE OF FUNDS:

(1) ETF	2,796,508	
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Total Examiners of Public Accounts, Department of	2,796,508	2,796,508
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The Department of Examiners of Public Accounts is hereby authorized to examine as deemed necessary all appropriations herein made for compliance with the laws of the State of Alabama. Any examination performed shall be in accordance with the provisions of Title 41, Chapter 5, Code of Alabama 1975.

3. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program		75,000
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SOURCE OF FUNDS:

(1) ETF	75,000	
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Total Law Institute Alabama	75,000	75,000
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3B. EXECUTIVE BRANCH:

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program		112,500
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SOURCE OF FUNDS:

(1) ETF	112,500	
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Total American Legion and Auxiliary Scholarships	112,500	112,500

To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.

3. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Education Management Program	485,000
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SOURCE OF FUNDS:

(1) ETF	485,000	
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Total Archives and History, Department of	485,000	485,000

In addition to the above appropriation to the Department of Archives and History, there is hereby appropriated from the ETF \$50,000 for the Alabama Review to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

3. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program	4,775,875
(b) Community Arts and Cultural Programs	550,000

Of the above appropriation, \$50,000 shall be allocated to the Summerfest Children's Theatre and \$50,000 shall be allocated to the Fantasy Playhouse Children's Theatre.

SOURCE OF FUNDS:

(1) ETF	4,750,875	
(2) Federal and Local Funds	575,000	

Total Arts, State Council on the.....	4,750,875	575,000	5,325,875
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4. BUILDING COMMISSION, STATE:

(a) Special Services Program			596,356
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SOURCE OF FUNDS:

(1) ETF-Transfer	596,356		
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Total Building Commission, State	596,356		596,356
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5. BUSKEY MATCHING FUNDS - PENNY TRUST FUND:

(a) Special Services Program, Estimated			100,000
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Of the above appropriation, \$10,000 shall be expended for promotional materials to be developed and approved by the State Treasurer and distributed to education employees and students.

SOURCE OF FUNDS:

(1) ETF-Transfer	100,000		
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Total Buskey Matching Funds - Penny Trust Fund	100,000		100,000
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In accordance with Sections 41-15A-10 through 41-15A-12, Code of Alabama 1975. It is the intent of the Legislature that any of the above appropriation which is not needed to match contributions shall be deposited into the Penny Trust Fund.

6. CHILD ABUSE AND NEGLECT PREVENTION BOARD:

(a) Social Services Program...			2,194,464
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In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer	2,194,464	
Total Child Abuse and Neg-		
lect Prevention Board	2,194,464	2,194,464

7. DEBT SERVICE:

(a) Debt Service Program		32,961,793
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For payments on interest and principal of General Obligation Refunding Bonds, Series A and B.....11,487,572

In the event it is determined that funds should be transferred from the ETF to the State General Fund for reimbursement of sales taxes on automobiles erroneously deposited into the ETF, the amount of ETF funds required to be transferred, up to the amount of the above appropriation for debt service on General Obligation Refunding Bonds 1992, Series A and B, shall be expended for such debt service.

For payments on interest and principal on additional revenue bonds issued by the Public School and College Authority pursuant to Act 98-373.....14,000,000

For payments on interest and principal of Refunding Bonds issued by the Public School and College Authority pursuant to the Alabama Incentives Financing Authority Act passed by the Alabama Legislature in the 1999 Regular Session (HB 673 or SB 451)6,500,000

For payments on endowments as follows:

For interest and principal on
University of Montevallo
(Alabama College) Endow-
ment359,477

For interest on Auburn Uni-
versity Endowment ...20,280

For interest on University of
Alabama Endowment ..61,000

For interest on Grove Hill
Endowment600

For interest on Public School
Fund Endowment:

Interest on 16th Section Lands,
Estimated.....410,000

Interest on School Indemnity
Lands, Estimated90,000

Interest on Valueless 16th Sec-
tion Lands5,825

Interest on Surplus
Revenue.....26,764

Interest on James Wallace
Fund275

Total Interest on Public School
Fund Endowment.....532,864

SOURCE OF FUNDS:

(1) ETF 32,428,929

(2) ETF-Transfer 532,864

Total Debt Service	<u>32,961,793</u>	<u>32,961,793</u>
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8. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educa- tional Activities Program	121,854
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SOURCE OF FUNDS:

(1) ETF 121,854

Total Dental Scholarship Awards, Board of	<u>121,854</u>	<u>121,854</u>
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To be expended under the pro-
visions of Code of Alabama

1975, Sections 16-47-76 through 16-47-81.

9. DRUG EDUCATION AND AWARENESS OVERSIGHT COUNCIL:

(a) Support of Other Educational Activities Program	793,253
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SOURCE OF FUNDS:

(1) ETF	793,253	
Total Drug Education and Awareness Oversight Council ...	793,253	793,253

To be expended under the provisions of Code of Alabama 1975, Sections 41-25-1 through 41-25-5. It is the intent of the Legislature that all existing programs be level-funded in FY 1999-2000 at the FY 1998-99 levels.

10. EDUCATION, STATE BOARD OF - K-12 FOUNDATION PROGRAM:

(a) Foundation Program	2,705,578,465
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(b) Transportation Program....	180,122,542
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Of the above appropriation, the amount necessary to fund a transportation program for alternative and gifted students in any school system in a Class I municipality shall be calculated in the distribution formula by the State Department of Education for the transportation program. The State Superintendent is directed to withhold transportation funds used to pay employee benefits including but not limited to PEEHIP, sick leave, teacher retirement, and F.I.C.A. from any

local board which does not directly provide these benefits to transportation employees. No local board shall be allowed to convert funding provided in this budget for employee benefits into other uses or expenditures. The State Examiner of Public Accounts shall assure compliance.

(c) At-Risk Student Program

31,746,700

Each district shall receive its pro rata share for each student who is defined as being at-risk of dropping out of school. Local school districts shall maintain separate accounts for all funds received in this category. The funds provided in this section are specifically designated for special programs to serve these students and may not be used as a part of a local school district's general operating budget. Local school districts are expected to establish programs which will increase learning opportunities for at-risk students. These programs shall include, but not be limited to, after-school tutoring, summer schools, weekend schools, alternative schools, training of parents, and other activities designed to assist at-risk students. The State Department of Education shall monitor the intent of the Legislature in the use of these funds and shall assure that they are used only in a manner designed to provide additional assistance above

and beyond the regular instructional program for at-risk students. These funds shall not be used to supplant any other funding of summer schools or other activities which are designed to serve the general student population but must be used for specific programs for at-risk students. At-risk students shall be defined as those students who have scored in stanines 1, 2, and 3 on the most recent SAT or other approved standardized tests and/or students who have received academic grades lower than C in the core subjects of science, language arts, social studies, or mathematics. Further, local school faculty and the school principal shall make specific recommendations for students at the school to be included as participants in the at-risk programs. It is the intent of the Legislature that schools and school systems involve the community in planning and implementing at risk programs. Therefore, schools shall, where feasible, partner with non-profit community organizations in planning and implementing at risk programs. In appropriate situations, businesses may partner with schools or school systems for at-risk programs but may not receive any compensation or reimbursement for expenses or other costs.

(d) Endowment Interest Program - Public School Fund

532,864

(e) Hold Harmless Program - Public School Fund	12,102,607
(f) Capital Outlay Program - Public School Fund	76,897,393
(g) Board of Adjustment	600,000
(h) Salary Matrix Adjust- ment	16,615,297
(i) Capital Outlay Program - Federal and Local Funds	18,789,418

SOURCE OF FUNDS:

(1) ETF	2,691,129,184	
(2) Federal and Local Funds ..	262,323,238	
(3) Public School Fund	89,532,864	

Total Education, State Board
of - K-12 Foundation Program .. 2,691,129,184 351,856,102 3,042,985,286

The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. Foundation Program calculations for FY 1999-2000 are based on the funding divisors set forth below. Such divisors shall not serve to prescribe pupil-teacher ratios.

Grades K-3	14
Grades 4-6	22
Grades 7-8	21
Grades 9-12	18

Divisors in K-3 shall be adjusted by the State Department of Education so as to include all new teacher units provided in this budget. The divisors shall be reduced in grades K-3 in subsequent budgets to continue permanent funding for new teacher units provided for the fiscal year beginning October 1, 1999.

In allocating the funds in the Foundation Program, the State Board of Education shall allot funds based on the rates established as follows: The Foundation Program shall use the following salary matrix to determine the cost of instructional salaries:

Years Experience	BS	MS	6Y	DO	ND
less than 3	28,394	32,652	35,208	37,764	28,394
3 but less than 6	31,233	35,917	38,728	41,539	31,233
6 but less than 9	31,659	36,408	39,267	42,106	31,659
9 but less than 12	32,084	36,897	39,785	42,672	32,084
12 but less than 15	32,510	37,386	40,313	43,239	32,510
15 but less than 18	32,937	37,877	40,841	43,805	32,937
18 but less than 21	33,362	38,366	41,369	44,372	33,362
21 or greater	33,788	38,857	41,897	44,938	33,788

For additional professional development, local boards of education are hereby authorized, pursuant to rules and regulations established by the State Board of Education, to schedule two additional days of professional development/continuing education for all 9, 10, 11 month certificated employees at their regular daily rate of pay beyond the current employment contract. It is the intent of the Legislature that the use of these days be in accordance with a local school self-improvement plan developed at each school through a collaborative effort of the employees involved and the local school administrators. The two additional days for professional development/continuing education shall be made a part of the regular school year calendar. The purpose of the days provided herein is to improve classroom instruction, discipline, and school safety. The principal of each school shall report to the local superintendent the manner in which these two additional professional development days were used at that school. The local superintendent of education shall consolidate the reports from each school and send the report to the State Superintendent of Education. It shall be the obligation of the in-service centers and colleges and universities to render maximum assistance to local school employees. The requirement of this section shall also apply to 9, 10 and 11 month certificated personnel at the Alabama Institute for Deaf and Blind, the Department of Youth Services, the School of Math and Science and the School of Fine Arts. Local boards of education are hereby authorized to schedule two additional days of professional development/continuing education for all current 9, 10, 11 month contracts of support personnel and all 9, 10 and 11 month contracts of Child Nutrition Program support personnel at their regular daily rate of pay beyond the current employment contract. It is the intent of the Legislature that the purpose of these training sessions for all employed support personnel will be to provide occupation-specific skill training, safety training, training on school discipline, and other relevant aspects of support personnel interaction with students. For the purpose of these training sessions,

it shall be the obligation of local boards of education to seek qualified occupation-specific trainers from the Department of Education and/or private vendors solely for training purposes. The requirement of this section shall apply to 9, 10 and 11 month support personnel at the Alabama Institute for Deaf and Blind, the Department of Youth Services, the School of Math and Science and the School of Fine Arts. Local or state board of education rules or regulations shall not be construed to negate the intent of the Legislature. The State Board of Education shall take care to ensure the implementation of the Legislative intent as provided by this section.

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 6.38% of salaries and the Public Education Employees' Health Insurance Program (PEEHIP) rate shall be \$317 per month for each full-time employee.

For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$52.50 per pupil in average daily membership during the first 40 scholastic days of the preceding school year; (3) technology at \$75 per unit earned in the Foundation Program; (4) professional development at \$60 per unit earned in the Foundation Program; (5) library enhancement at \$135 per unit earned in the Foundation Program. The budgeting and expenditure of funds in the Foundation Program at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.

11. EDUCATION, STATE BOARD OF - POSTSEC- ONDARY PRISON EDUCA- TION:

(a) Operations and Maintenance	11,896,980
(b) Restricted Funds	2,739,000

SOURCE OF FUNDS:

(1) ETF	8,320,821		
(2) Federal and Other Funds		6,315,159	
Total Education, State Board of - Postsecondary Prison Education	8,320,821	6,315,159	14,635,980

12. EDUCATION, STATE
BOARD OF - POSTSEC-
ONDARY SKILLS TRAIN-
ING AND EDUCATION:

(a) Operations and Maintenance	27,396,256
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SOURCE OF FUNDS:

(1) Federal and Local Funds ..	27,396,256	
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Total Education, State Board of - Postsecondary Skills Training and Education	27,396,256	27,396,256
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13. EDUCATION, STATE
BOARD OF - TWO-YEAR
COLLEGE SYSTEM:

(a) Operations and Maintenance	324,529,887
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(b) Auxiliary Enterprises	21,792,168
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(c) Restricted Funds.....	88,561,000
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(d) Coosa Valley Nursing Program at Central Alabama Community College.....	100,000
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(e) Small Business Assistance- Public/Private Partnership Program	150,000
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(f) Critical Needs Program	1,156,637
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(g) Central Alabama Com- munity College-Environ- mental Consortium	250,000
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SOURCE OF FUNDS:

(1) ETF	210,557,378
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(2) Federal and Other Funds...	225,982,314
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Total Education, State Board of - Two-Year College System	210,557,378	225,982,314	436,539,692
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(1) Each community, junior and technical college shall receive the same proportionate share from the appropriation for operations and maintenance as was received during the 1998-99 fiscal year for operations and maintenance. In addition, Bevill State Community College shall be allocated an additional \$1,900,000 for the operations and maintenance of its Walker College Campus.

(2) The allocations required herein shall be distributed among the following colleges: (1) Alabama Southern Community College; (2) Harry M. Ayers State Technical College; (3) Bessemer State Technical College; (4) Bevill State Community College; (5) S.D. Bishop State Community College; (6) John C. Calhoun State Community College; (7) Central Alabama Community College; (8) Chattahoochee Valley State Community College; (9) J.F. Drake State Technical College; (10) Enterprise State Junior College; (11) Faulkner State Community College; (12) Gadsden State Community College; (13) J.F. Ingram State Technical College; (14) Jefferson Davis State Community College; (15) Jefferson State Community College; (16) Theodore A. Lawson State Community College; (17) Lurleen B. Wallace State Junior College; (18) Douglas MacArthur State Technical College; (19) Northeast Alabama State Community College; (20) Northwest-Shoals Community College; (21) John M. Patterson State Technical College; (22) Ed E. Reid State Technical College; (23) Shelton State Community College; (24) Snead State Community College; (25) Chauncey Sparks State Technical College; (26) Southern Union State Community College; (27) Councill Trenholm State Technical College; (28) George C. Wallace State Community College (Dothan); (29) George C. Wallace State Community College (Hanceville); (30) George C. Wallace State Community College (Selma).

(3) The appropriation for the Critical Needs Program in (f) above shall be distributed to community, junior and technical colleges based on demonstrated critical needs as determined by the chancellor of the Postsecondary Education System.

(4) The appropriation in (e) above for the Small Business Assistance-Public/Private Partnership Program shall be allocated to George C. Wallace State Community College (Selma).

(5) The appropriation to Central Alabama Community College for the Coosa Valley Nursing Program in (d) above and the Environmental Consortium in (g) above shall be added to the operations and maintenance base of the Central Alabama Community College for the purpose of future years operations and maintenance allocations.

(6) In addition to the above appropriation there is hereby appropriated \$1,000,000 to Bevill State Community College for the assumption of Walker College, to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

(7) In addition to the above appropriations there is hereby conditionally appropriated \$500,000 to George C. Wallace State Community College-Selma for the future business leaders program; \$250,000 to Chattahoochee Valley Community College;

\$575,000 to Snead State Community College; \$500,000 to Shelton State Community College; \$200,000 to Northeast State Community College; \$300,000 to Faulkner State Community College; \$200,000 to Alabama Southern Community College for the Alabama Center for Literary Arts; \$300,000 to Lawson State Community College; \$200,000 to Bessemer State Technical College; and \$500,000 to a cooperative program by Alabama Southern Community College, Ed E. Reid State Technical College and George C. Wallace State Community College-Selma for the future business leaders program, to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

14. EDUCATION, STATE DEPARTMENT OF:

(a) Administrative Services

Program	55,584,514
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The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and Maintenance of the Department....22,188,947

Of the above appropriation for operations and maintenance of the department, \$75,000 shall be allocated to the Space/Technology Camp Program; and an amount not to exceed \$250,000 shall be used for teacher background checks; and \$300,000 shall be expended for professional development and training of principals, local superintendents and other administrators on effective hiring and promotion practices for local school personnel; and \$400,000 shall be expended to study and implement a plan to prevent school violence. It is the intent of the Legislature that the State Superintendent shall maximize the use of these funds

for operation and maintenance of the Department to assist local schools in preparing their students to reach the high academic standards set by the State Board of Education. In addition to the above appropriation for operations and maintenance, there is hereby appropriated \$2,200,000 from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

Operations and Maintenance
for the Alabama Reading
Initiative6,000,000

Operations and Maintenance for
At-Risk Program6,384,500

To implement financial and/or academic accountability per Section 16-6B-3, Code of Alabama 1975. At-risk funds not to exceed \$7,384,500 to the State Department of Education shall be used to employ personnel under short-term contracts who shall be assigned by the State Superintendent to give direct assistance to schools which come under the jurisdiction of the Department in accordance with Act 95-314, which requires schools to be taken over for academic reasons by the State Superintendent of Education. In selecting these personnel, the State Superintendent shall give preference to persons who have achieved National Board for Professional Teaching Standards (NBPTS) certification

and/or who have been chosen as Alabama Teachers of the Year. In the event this pool of personnel is inadequate, the State Superintendent may then employ other teaching and/or administrative personnel who have been recognized for their competence. Such personnel shall be assigned to work directly with schools whose operations are assumed by the state. The State Superintendent may further use these personnel to assist schools that are on Alert II status. Personnel employed or contracted by the Department for assistance in at-risk schools shall be on release status from their respective local boards of education and shall retain all benefits and tenure status unless they are given permanent employment in the State Department of Education.

(b) Adult Basic Education Program

14,318,122

Of the above appropriation, \$80,000 shall be allocated to the Education Alternative Program.

(c) Community Education Program

1,622,224

Of the above appropriation, \$250,000 in addition to the amount that is normally allocated, shall be allocated to the Birmingham City Community Education Program; \$100,000 shall be allocated to the High School Athletic Training Program; and \$100,000 shall be allocated to the Community

Outreach Partnership Program at Jefferson State Community College. In addition to the above appropriation to the Community Outreach Partnership Program at Jefferson State Community College, there is hereby appropriated from the ETF \$500,000 to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

(D) Financial Assistance Program

432,608,710

The proposed spending plan for the ETF monies included in the above program is as follows:

Pre-School Program ...2,508,579

Children's Eye

Screening360,000

National Geographic Grant-Matching Funds50,000

Alabama Indian Village Resource Center.....100,000

Alabama PTA Project ..50,000

PALS35,000

Alabama Writing

Project125,000

Teaching Children with Disabilities.....100,000

Education of Dependents of Blind Parents12,750

Of the above appropriation, \$12,750 shall be allocated for reimbursement to every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given

to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

National Board for Professional Teaching Standards-Grants100,000

Alabama teachers desiring to take the examination shall apply for funding. A panel consisting of the State Superintendent of Education, the Executive Secretary of the Alabama Education Association, and the Deans of the Colleges of Education of Auburn University, Alabama A and M University, Alabama State University, and the University of Alabama (or their designees) shall review and screen applicants and choose the recipients. The State Superintendent of Education and the Executive Secretary of the Alabama Education Association shall be co-chairs of the panel and shall call the first meeting. The panel shall require recipients to commit to teach in Alabama public schools for an additional period of five years unless an exception is granted by the panel for good cause.

National Board for Professional Teaching Standards - Base Pay135,000

Each teacher, counselor or librarian who passes the requirements and receives certification from the National Board for Professional Teaching Standards shall

receive an additional sum of \$5,000 added to his/her base salary as determined by his/her placement on the minimum state salary matrix. It is the intent of the Legislature that this additional sum shall begin October 1, 1999 and carry forward each fiscal year thereafter. In addition to the above appropriation for the National Board for Professional Teaching Standards-Grants, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

Professional Development/
Computer
Training1,600,000

This appropriation shall be used to train teachers (K-12) in the use of computers in the classroom. Trainers shall be chosen who can assist teachers in learning computer skills, the use of instructional software, and the classroom uses of the Internet. A vendor may be chosen to assist in delivery of the computer training required herein.

Instructional
Supplies200,000

The State Superintendent shall reimburse the financial institution the cost of issuance of a credit card to be used by teachers for the purchase of instructional supplies. The State Superintendent shall issue appropriate guidelines on proper use of cards.

School Nurses

Program5,230,560

To be distributed pursuant to
Act 98-672.

Additional Teacher Units
(200)11,200,000

For K-3, to be distributed
based upon a formula estab-
lished by the State Board of
Education which shall adjust
teacher/pupil ratios used in
calculating teacher units
earned in grades K-3.

(e) Alabama Science In Motion
Program2,475,000

It is the Legislature's intent
that all funds appropriated
to this program be expended
in accordance with Title 16,
Chapters 61B and 61C,
Code of Alabama 1975.

(f) Disability Determination
for Social Security Program ... 35,530,255

(g) Support of Other Educa-
tional Activities Program 1,200,252

The proposed spending plan
for the ETF monies included
in the above program is as
follows:

Civic Education

Project150,000

American Village300,000

To be administered by the
Citizenship Trust pursuant to
Sections 16-44A-31 et seq. of
the Code of Alabama 1975
(Act 95-376) for statewide citi-
zenship education programs
and the American Village
constitution and citizenship
education center. In addition
to the above appropriation,

there is hereby appropriated \$250,000 for the American Village from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

Dropout Prevention Pilot Project165,000

The pilot project for dropout prevention shall be expended to fund the implementation of strategies deemed effective in reducing the incidence of dropouts and it shall fund programs for students whose education was interrupted for disciplinary reasons. It shall be utilized to allow those students to complete their high school diplomas, GED preparation, or vocational education (for age-qualified students).

Alabama Young Farmers Education Program45,252

To be administered by the Houston County Board of Education.

Alabama Center for Law and Civic Education.....110,000

Multi-System Evaluation Center Program230,000

Of the above appropriation to the Multi-System Evaluation Center, it is the intent of the Legislature that \$90,000 shall be utilized to continue a multi-system evaluation center in west Alabama.

Citizenship and Character and Leadership Education200,000

(h) Letson Grants Program..... 100,000

To be disbursed to public school systems making grant applications to the Board of Control of the Foundation for Local Schools in accordance with Sections 16-26C-1 through 16-26C-13 of the Code of Alabama 1975.

(i) Exit Exam Failure..... 4,000,000

There is hereby allocated for each student failing the high school exit exam an amount determined by dividing the sum allocated in this section by the number of students in the state who fail the exam. The sum derived shall then be multiplied by the number who failed in each school. That amount shall then be allocated by each school system to that high school to be used to provide immediate assistance to students who failed. The principal may hire personnel from within both the school and the community to provide tutorial assistance. At least 50% of the funds allocated to each school shall be used to employ tutors from within the community and outside of regular employees of the school system. Student tutors may be paid up to \$7 per hour and must be monitored by an adult. Adult tutors may be paid up to \$10 per hour. All tutoring must be done on school premises. Each principal shall keep time sheets for each tutor and submit such

records to the superintendent of the local system for payment on at least a monthly basis. Each local superintendent will be required to account for all funds expended and shall furnish all necessary information on forms provided by the State Department of Education. The funds appropriated in this section (subsection (i)) for exit exam failure shall be in addition to and may not supplant any other funds required to be expended by the state or local board of education for remediation or for at-risk students including, but not limited to, Section 16-6B-3, Code of Alabama 1975 and/or any rules or regulations adopted by the State Board of Education.

SOURCE OF FUNDS:

(1) ETF	69,017,534		
(2) ETF-Transfer	2,475,000		
(3) Federal and Local Funds		475,946,543	
Total Education, State Department of	71,492,534	475,946,543	547,439,077

15. EDUCATIONAL TELEVISION COMMISSION:

(a) Educational Television and Public Radio Service Program.....	13,429,633
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Of the above appropriation, \$2,000,000 shall be expended for digital conversion.

(b) Capital Outlay Program ..	127,500
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SOURCE OF FUNDS:

(1) ETF	9,572,383		
(2) Federal and Local Funds ...		3,984,750	

Total Educational Television Commission.....	9,572,383	3,984,750	13,557,133
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16. FAMILY PRACTICE
RURAL HEALTH BOARD:

(a) Family Practice Rural Health Program			840,000
(b) Rural Health Initiatives. ...			250,000

SOURCE OF FUNDS:

(1) ETF	1,090,000		
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Total Family Practice Rural Health Board	1,090,000		1,090,000
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17. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program			600,000
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SOURCE OF FUNDS:

(1) ETF, Estimated	600,000		
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Total Finance, Department of....	600,000		600,000
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To be distributed by the State Comptroller to the designated beneficiaries or estates for unused sick leave pursuant to Code of Alabama, Section 16-1-18.2.

18. FINANCE, DEPARTMENT OF - TELEPHONE
REVOLVING FUND:

(a) Administrative Support Services Program.....			3,484,957
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SOURCE OF FUNDS:

(1) ETF-Transfer	3,484,957		
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Total Finance, Department of - Telephone Revolving Fund.....	3,484,957		3,484,957
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The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

19. FIREFIGHTERS' PERSONNEL STANDARDS AND EDUCATION COMMISSION, ALABAMA/ALABAMA STATE FIRE COLLEGE-SHELTON STATE COMMUNITY COLLEGE:

(a) Operations and Maintenance	6,219,657
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Of the above appropriation, \$200,000 shall be allocated to the Alabama Poison Control Center; \$30,000 to the Alabama Rural and Community Fire Protection Institute; and \$352,800 shall be allocated for emergency medical services education.

SOURCE OF FUNDS:

(1) ETF	4,293,901		
(2) Federal and Local Funds ...		1,925,756	
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Total Firefighters' Personnel Standards and Education Commission, Alabama/Alabama State Fire College-Shelton State Community College	4,293,901	1,925,756	6,219,657

In addition to the above appropriation to the Alabama State Fire College at Shelton State Community College, there is hereby conditionally appropriated \$1,000,000 from the ETF to the Alabama State Fire College to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

20. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program	2,663,401
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The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and
Maintenance2,663,401

(b) Student Financial Aid
Program9,031,917

The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants
Program5,986,460

To be expended in accordance with Code of Alabama 1975, Sections 16-33A-1 through 16-33A-11.

(2) Alabama National
Guard Educational
Assistance800,000

To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31-10-4 and Sections 31-10-20 through 31-10-25.

(3) Teacher Education
Scholarship Loan
Program600,000

To be expended in accordance with Code of Alabama 1975, Section 16-23-24.

(4) Chiropractic
Scholarships.....37,986

To be expended in accordance with Code of Alabama 1975, Section 16-5-11.

(5) Policeman's Survivor Tuition, Estimated60,000

To be expended under the provisions of Code of Alabama 1975, Section 36-21-105.

(6) Alabama Student Assistance Program1,547,471

(c) Support of Other Educational Activities Program

3,232,965

The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:

(1) Network of Alabama Academic Libraries400,000

It is the intent of the Legislature that ACHE shall provide for the participation of Athens State College in the Network of Alabama Academic Libraries.

(2) Southern Regional Education Board (SREB) ...709,675

(3) EPSCoR National Science Foundation Program600,000

(4) Computer Based Articulation System546,461

To fund Troy State University for developing and operating a statewide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.

(5) Governor's Commission on Historically Black Colleges and Universities.....100,000

To be expended pursuant to Executive Order No. 21.

(d) Alabama Guaranteed Student Loan Program.....

2,158,384

SOURCE OF FUNDS:

(1) ETF	13,451,454		
(2) ETF-Transfer.....	600,000		
(3) Federal and Local Funds....		3,035,213	
Total Higher Education, Alabama Commission on	14,051,454	3,035,213	17,086,667

There is hereby appropriated \$3.2 million from the ETF to the Alabama Agriculture Land Grant Alliance (AALGA) for agricultural research for Alabama A&M University, Auburn University and Tuskegee University to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

21. HUMAN RESOURCES,
DEPARTMENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	4,118,135
(b) JOBS Child Care and After School Child Care Program.....	3,812,364

SOURCE OF FUNDS:

(1) ETF-Transfer.....	7,930,499	
Total Human Resources, Department of.....	7,930,499	7,930,499

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$600,000 shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants. Of the above appropriation, \$50,000 shall be allocated to the McRae Learning Center; \$20,000 shall be allocated to

the Stillman Day Care; \$25,000 shall be allocated for the Essie Floyd Day Care Center; \$6,169 shall be allocated to the Lee County Youth Development Center; \$25,000 shall be allocated to the Circle of Care; \$50,000 shall be allocated to the RISE Center; \$60,000 shall be allocated to the Angel Factory Welfare-to-Work Program; and \$19,000 shall be expended for the HERO Program in Hale County.

22. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Operations and Maintenance Program.....	3,142,617
(b) Industrial Development and Training Program.....	13,141,273

SOURCE OF FUNDS:

(1) ETF	16,203,890		
(2) Federal and Local Funds ...		80,000	
Total Industrial Development Training Institute, Alabama	16,203,890	80,000	16,283,890

Of the above appropriation to the Alabama Industrial Development Training Institute, \$4,500,000 shall be expended for start-up training at the Boeing-Decatur facility; \$300,000 shall be expended for job retraining and day care at Snead State Community College for displaced workers; \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$650,000 shall be expended to

fund the operations of the Michelin Training Center; \$500,000 shall be expended for Training for Business and Industry at Shelton State Community College; \$20,000 shall be expended for training of displaced textile workers at George C. Wallace Community College-Dothan; \$300,000 shall be expended for job training in Calhoun County (no portion of this appropriation shall revert but shall remain available for expenditure until the base reuse is declared complete); \$220,000 shall be expended for UAB Options-Minority Computer Technology Program; \$200,000 shall be expended for Woodworking Technology Training at Northwest-Shoals Community College-Phil Campbell Campus; \$300,000 shall be expended for the Minority Technology and Entrepreneurial Center at Bishop State Community College; \$400,000 shall be expended for retraining and textile technology programs at Central Alabama Community College; \$150,000 shall be allocated for equipment, facilities and training for U.S. Gypsum and other workforce development programs at Northeast Alabama State Community College; \$50,000 shall be allocated for job training by Beville State Community College at the Hamilton campus; \$50,000 shall be expended for job training at George C. Wallace State Community College in Selma; \$50,000 shall

be allocated for woodworking training in association with Beville State Community College at the Hamilton campus; \$200,000 shall be expended for the Alabama Southern Community College for Paper/Chemical Production Training; \$100,000 shall be expended at Lawson State Community College for Minority Business and Training; \$250,000 for the Alabama Aviation Technology Campus in Mobile; \$100,000 shall be expended for industry related operations in Marshall County; \$250,000 shall be expended for Aerospace Training Center staffing; \$700,000 shall be expended for retraining programs to be conducted by Gadsden State Community College; and \$500,000 shall be expended by Jefferson State Community College for the International Standardization Organization (I.S.O.) Program and other workforce development programs. In the event that House Bill 673 or Senate Bill 451 does not pass in the 1999 Regular Session, there is hereby appropriated \$5,000,000 for the operations and maintenance of the Mercedes Benz Automotive Training Facility. In addition to the above appropriation to the Alabama Industrial Development Training Institute, there is hereby appropriated \$350,000 from the ETF for Wiregrass Development to Douglas MacArthur State Technical College and \$250,000 for job training in

Calhoun County to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

23. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program	12,950,760
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Of the above appropriation, a minimum of \$4,799,347 is to be distributed to the public libraries within the state and \$3,000,000 shall be expended for the Virtual Library Project and \$15,000 shall be allotted to the Triana Public Library and \$50,000 shall be allotted to the Monrovia Public Library.

SOURCE OF FUNDS:

(1) ETF	10,950,760		
(2) Federal and Local Funds....		2,000,000	
Total Library Service, Alabama Public	10,950,760	2,000,000	12,950,760

24. MAGNET SCHOOLS:

(a) Booker T. Washington Magnet Arts High School Program.....	550,000
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Of the above appropriation, \$400,000 shall be expended for capital improvements at the Performing Arts Center and \$150,000 shall be expended for the operation of the Alabama Governor's State Summer School Program.

(b) School of Fine Arts Program	5,169,968
(c) School of Mathematics and Science Program.....	5,575,061

SOURCE OF FUNDS:

(1) ETF	9,937,905		
(2) Federal and Local Funds....		1,357,124	
Total Magnet Schools	9,937,905	1,357,124	11,295,029

25. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			4,731,172
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SOURCE OF FUNDS:

(1) ETF	2,988,351		
(2) Federal and Local Funds....		1,742,821	
Total Marine Environmental Sciences Consortium	2,988,351	1,742,821	4,731,172

26. MEDICAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			768,721
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SOURCE OF FUNDS:

(1) ETF	468,721		
(2) Federal and Local Funds...		300,000	
Total Medical Scholarship Awards, Board of	468,721	300,000	768,721

To be expended under the provisions of Code of Alabama 1975, Sections 16-47-121 through 16-47-129.

27. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Mental Illness Program ...			9,270,406
(b) Mental Retardation Program.			5,807,178
(c) Substance Abuse Program..			814,979

SOURCE OF FUNDS:

(1) ETF-Transfer	15,892,563		
Total Mental Health and Mental Retardation, Department of	15,892,563		15,892,563

Of the above appropriation,
\$400,000 shall be expended
for Alzheimer's Disease
Education and Training.

**28. MONTGOMERY INTER-
NAL MEDICINE RESI-
DENCY PROGRAM:**

(a) Support of Other Educa- tional Activities Program	235,000
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SOURCE OF FUNDS:

(1) ETF	235,000	
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Total Montgomery Internal Medicine Residency Pro- gram	235,000	235,000
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The above appropriation to
the Montgomery Internal
Medicine Residency Pro-
gram from the ETF shall be
in addition to the funds
received by said program
from the University of
Alabama in Birmingham
(UAB), and the funds allo-
cated to the Montgomery In-
ternal Medicine Residency
Program from UAB shall
not be diminished from the
amount allocated in fiscal
year 1998-99.

**29. MUSIC HALL OF FAME
BOARD, ALABAMA:**

(a) Support of Other Educa- tional Activities Program	145,800
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SOURCE OF FUNDS:

(1) ETF	145,800	
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Total Music Hall of Fame Board, Alabama	145,800	145,800
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**30. NURSING, ALABAMA
BOARD OF:**

(a) Professional and Occupa- tional Licensing and Regula- tion Program	57,000
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	57,000	
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As provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.

Total Nursing, Alabama Board of.....	57,000	57,000
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31. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program		103,160
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SOURCE OF FUNDS:

(1) ETF	103,160	
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To be expended under the provisions of Code of Alabama 1975, Sections 34-22-60 through 34-22-65.

Total Optometric Scholarship Awards, Board of	103,160	103,160
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32. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		403,614
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(b) Certified Law Enforcement Academy Program		2,062,900
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Of the above appropriation for the Certified Law Enforcement Academy Program, \$612,900 of ETF monies included therein shall be expended as follows:

Northeast Police Academy	159,354
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University of Alabama	159,354
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Southwest Police Academy	159,354
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Alabama Police
Academy85,806

Montgomery
Police Academy49,032

SOURCE OF FUNDS:

(1) ETF	1,016,514		
(2) Alabama Peace Officers' Standards and Training Fund - as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51		1,450,000	
Total Peace Officers' Stan- dards and Training Commis- sion, Alabama	1,016,514	1,450,000	2,466,514

33. POSTSECONDARY EDU-
CATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program		3,323,110
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SOURCE OF FUNDS:

(1) ETF	2,877,269		
(2) Federal and Local Funds....		445,841	
Total Postsecondary Educa- tion Department	2,877,269	445,841	3,323,110

In addition to the above ap-
propriation to the Post-
secondary Education De-
partment, there is hereby
appropriated \$300,000 for
the Displaced Homemakers'
Program from the ETF to be
conditioned upon the avail-
ability of funds in the ETF
and the approval of the
Governor. The Chancellor of
the Department of Post-
secondary Education shall
serve as the sole reporting
entity to the Alabama Com-
mission on Higher Educa-
tion on behalf of the
two-year colleges. Provided,
however, that nothing in

this section shall prohibit or hamper the full intent and enforcement of Section 16-5-7, Section 16-5-8, and Section 16-5-15 of the Code of Alabama 1975.

34. PUBLIC SCHOOL AND COLLEGE AUTHORITY:

(a) Capital Outlay Program... 4,100,000

To be expended for emergency relief for burned-out schools, natural disasters, and capital needs crises.

SOURCE OF FUNDS:

(1) ETF	4,100,000	
Total Public School and College Authority.....	4,100,000	4,100,000

In addition to the above appropriation there is hereby appropriated \$2,000,000 from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor. This conditional appropriation, if released, shall be allocated by the Public School and College Authority (PSCA) to those individual schools experiencing hardships due to rapid growth and consolidation and which serve a district or county which during FY 1999 or FY 2000 have successfully implemented or voted to implement a minimum of 10 mills of property tax or the equivalent thereof. In addition to the above appropriations to the PSCA, there is hereby appropriated \$2,250,000 from the ETF to be conditioned upon the availability of funds in the

ETF and the approval of the Governor.

35. SICKLE CELL OVERSIGHT AND REGULATORY COMMISSION, ALABAMA:

(a) Support of Other Educational Activities Program	5,000
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SOURCE OF FUNDS:

(1) ETF	5,000	
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Total Sickle Cell Oversight and Regulatory Commission, Alabama 5,000.....	5,000	5,000

36. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Soil Conservation Program...	21,250
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SOURCE OF FUNDS:

(1) ETF	21,250	
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Total Soil and Water Conservation Committee, State	21,250	21,250

37. SPORTS HALL OF FAME, ALABAMA:

(a) Scholarship Program.....	200,000
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SOURCE OF FUNDS:

(1) ETF	200,000	
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Total Sports Hall of Fame, Alabama	200,000	200,000

38. SUPERCOMPUTER AUTHORITY, ALABAMA:

(a) Administrative Support Services Program.....	5,698,841
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The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer.....	5,105,240
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(2) Supercomputer Revolving Fund, Estimated		593,601	
Total Supercomputer Authority, Alabama.....	5,105,240	593,601	5,698,841

39. TENURE COMMISSION, STATE:

(a) Regulation Program			20,000
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SOURCE OF FUNDS:

(1) ETF	20,000		
Total Tenure Commission, State	20,000		20,000

40. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program			2,952,988
(b) Student Financial Aid Program, Estimated.....			6,000,000

For reimbursement to every state institution of higher learning, college, university, community college, junior college or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

SOURCE OF FUNDS:

(1) ETF	2,952,988		
(2) ETF-Estimated	6,000,000		
Total Veterans' Affairs, Department of	8,952,988		8,952,988

41. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program			7,408,586
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The above appropriation for Financial Assistance Program includes \$6,803,120 of

ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of the Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

(b) Community Educational Programs

4,592,067

Of the above appropriation, \$100,000 shall be allocated to COARMM; \$650,000 shall be allocated for the GROWTH program for juvenile female offenders in Mobile County; \$100,000 shall be allocated for SAS (Substance Abuse School in Tuscaloosa) for a pilot program for the drug court; and \$100,000 shall be allocated for a C.I.T.Y. program in Russellville. The remainder of the above appropriation shall be used for the support and maintenance of existing C.I.T.Y. programs, in Etowah, Jefferson, Madison, Mobile, Montgomery, Tuscaloosa, Chilton, Houston and Dallas Counties. It is the intent of the Legislature that local boards of education provide facilities and/or equivalent in-kind services for the operation of C.I.T.Y. programs that accept students from their school systems. In addition to the above appropriations for C.I.T.Y. programs, there is hereby appropriated \$250,000 from

the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor. It is further the intent of the Legislature that the Director of the Department of Youth Services shall make every effort to initiate C.I.T.Y. programs in Decatur/Morgan County and in Russellville. There is hereby appropriated to the Department of Youth Services \$300,000 for a C.I.T.Y. program in Decatur to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

SOURCE OF FUNDS:

(1) ETF	11,395,187		
(2) Federal and Local Funds ...		605,466	
Total Youth Services, Department of	11,395,187	605,466	12,000,653

3C. COLLEGES AND UNIVERSITIES:

1. ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support ..	41,831,509
(b) Title VI Program Enhancement.....	570,416

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants and Faculty	184,420	
Instructional Support	385,996	
(c) Desegregation Planning ...		184,906

(d) Urban Affairs and New Non-Traditional Land Grant Programs.....	1,610,510
(e) Agricultural Research Station Fixed Costs.....	300,000
(f) Auxiliary Enterprises	7,300,000
(g) Restricted Funds	19,793,422
(h) ACES-System Personnel Costs	924,528
(i) Agricultural Research and Extension-State Match	678,127

SOURCE OF FUNDS:

(1) ETF	29,988,874		
(2) Federal and Other Funds ..		43,204,544	
Total Alabama Agricultural and Mechanical University, Board of Trustees	29,988,874	43,204,544	73,193,418

The above appropriations in Title VI Program Enhancement, Desegregation Planning, Urban Affairs and New Non-Traditional Land Grant Programs, Agricultural Research Station Fixed Costs, and ACES-System Personnel Costs from the ETF are to be released and used as restricted by and in compliance with Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272. Of the above appropriation for operations and maintenance, a total of \$250,000 shall be allocated to the Black Archives Museum.

2. ALABAMA A AND M UNIVERSITY, BOARD OF TRUSTEES-MILES COLLEGE CONSORTIUM:

(a) Alabama A and M University-Miles College Consortium	369,800
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SOURCE OF FUNDS:

(1) ETF	369,800	
Total Alabama A and M University, Board of Trustees-Miles College Consortium	369,800	369,800

In addition to the above appropriation to the Alabama A and M/Miles College Consortium there is hereby appropriated \$1,200,000 for purposes of electronic data and funds transfers to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

3. ALABAMA STATE UNIVERSITY, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support....	45,076,911
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Of the above appropriation, \$300,000 shall be expended for the National Center for the Study of Civil Rights and African American Culture.

(b) Title VI Program Enhancement.....	1,657,477
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The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants and Faculty462,264

Instructional Support1,195,213

(c) Desegregation Planning ...	184,906
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The above appropriations in Title VI Program Enhancement and Desegregation Planning from the ETF are to

be released and used as restricted by and in compliance with Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.

(d) Auxiliary Enterprises.....	9,285,616
(e) Restricted Funds	13,403,728
(f) Cooperative Efforts to Enhance Community Educational Institutions.....	400,000

SOURCE OF FUNDS:

(1) ETF	28,891,112		
(2) Federal and Other Funds		41,117,526	
Total Alabama State University. Board of Trustees	28,891,112	41,117,526	70,008,638

4. ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa (ETF) ..	114,724,061
(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham (ETF)	203,180,287

Of the above appropriation to the University of Alabama at Birmingham, \$400,000 shall be used to fund the Minority Business Training-Economic Development Program. It is the intent of the Legislature that the Nuclear Magnetic Resonance Studies Program be funded in FY 1999-2000 at the same level of funding received in FY 1998-1999. In addition to the above appropriation, to the University of Alabama at Birmingham, there is hereby appropriated \$100,000 from the ETF for

the Southern Center for International Studies and \$1,500,000 for capital improvements at the School of Medicine program at the University of Alabama in Huntsville campus to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

- (c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville (ETF)

35,239,100

Of the above appropriation to the University of Alabama in Huntsville, \$200,000 shall be expended at the Mathematics Learning Laboratory; \$100,000 shall be expended for the Interactive Television System for graduate education; and \$100,000 shall be expended for Web-based Technology. In addition to the above appropriation to the University of Alabama in Huntsville, there is hereby appropriated \$500,000 from the ETF for capital improvements at the University of Alabama in Huntsville and \$2,000,000 for the University of Alabama in Huntsville /NASA Partnership for National Center for Space Research and Technology (to be used as a required federal match) to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

- (d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning

Disorders, University of Alabama at Birmingham	4,298,696
(e) Alabama SchoolFest Program, University of Alabama	820,458
(f) Alabama Technology Network Program, University of Alabama	1,750,000
(g) School of Optometry Fund-Transfer to University of Alabama at Birmingham School of Optometry	50,000
(h) Auxiliary Enterprises	74,751,368
(i) Restricted Funds	294,035,951
(j) Alabama Technology Network Program, Minority Technology Networks	750,000
(k) Mobile Engineering Partnership (Cooperative effort between University of Alabama at Tuscaloosa and Troy State University at Dothan) Program	58,000
(l) Public/Private Partnership for the Michael Figures Initiative, University of Alabama	400,000
(m) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa (Federal and Other Funds)	64,763,893
(n) Operations and Maintenance and Program Support for the University of Alabama at Birmingham (Federal and Other Funds)	681,060,483
(o) Operations and Maintenance and Program Support for the University of Alabama in Huntsville (Federal and Other Funds)	24,257,581

(p) Alabama Productivity Center, University of Alabama at Tuscaloosa	90,000
(q) Enterprise Integration Lab, University of Alabama at Tuscaloosa	110,000
(r) Center for Creative Media, University of Alabama at Tuscaloosa	100,000
(s) Alabama International Trade Center, University of Alabama at Tuscaloosa	75,000
(t) Tobacco Consortium, University of Alabama at Birmingham	100,000

The above appropriation to the UAB Tobacco Consortium shall be expended to match funds from the National Cancer Institute.

SOURCE OF FUNDS:

(1) ETF	361,695,602		
(2) Federal and Other Funds		1,138,919,276	
Total Alabama, University of, Board of Trustees	361,695,602	1,138,919,276	1,500,614,878

In addition to the above appropriation to the University of Alabama at Birmingham, there is conditionally appropriated the sum of \$250,000 from the ETF to the Gregory Fleming James Cystic Fibrosis Center at the University of Alabama at Birmingham to be conditioned upon the availability of funds in the ETF and the approval of the Governor. In addition to the above appropriation to the University of Alabama at Birmingham, there is hereby

conditionally appropriated the sum of \$500,000 from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

5. AUBURN UNIVERSITY,
BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support, Auburn University	255,309,318
(b) Alabama Technology Network Program, Auburn University.....	1,750,000
(c) Auxiliary Enterprises	59,642,252
(d) Restricted Funds	75,220,279
(e) Operations and Maintenance and Program Support, Alabama Agricultural Experiment Station	26,531,459
Of the above appropriation, \$100,000 shall be expended for the Value Added Horticulture/Poultry Litter Project. A partnership will be created between the Tennessee Valley Authority, the Alabama Agricultural Experiment Station at Auburn University and a private entity to add value to poultry litter for horticulture uses. Poultry litter will be composted and pelleted in a research and development project that will provide information for possible new industrial development in the State of Alabama.	
(f) Operations and Maintenance and Program Support, Alabama Cooperative Extension System	25,712,722

(g) Operations and Maintenance and Program Support, Auburn University at Montgomery	35,605,766
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Of the above appropriation, \$60,000 shall be allocated to the AUM Community Outreach.

SOURCE OF FUNDS:

(1) ETF	196,659,613		
(2) Federal and Other Funds		283,112,183	
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Total Auburn University, Board of Trustees.....	196,659,613	283,112,183	479,771,796

In addition to the above appropriation to Auburn University, there is hereby appropriated \$1,000,000 for the School of Pharmacy to implement an External Doctor of Pharmacy Program to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

6. EDUCATION, STATE BOARD OF - ATHENS STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support...	13,778,638
(b) Auxiliary Enterprises.....	679,042
(c) Restricted Funds.....	1,517,000

SOURCE OF FUNDS:

(1) ETF	8,358,614		
(2) Federal and Other Funds ...		7,616,066	
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Total Education, State Board of - Athens State University.....	8,358,614	7,616,066	15,974,680

In addition to the above appropriation, there is hereby appropriated \$1 million to Athens State University from the ETF to be conditioned upon the availability

of funds in the ETF and the approval of the Governor.

7. JACKSONVILLE STATE UNIVERSITY, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support...	47,697,088
(b) Auxiliary Enterprises.....	3,748,379
(c) Restricted Funds.....	23,215,000

SOURCE OF FUNDS:

(1) ETF	27,551,096		
(2) Federal and Other Funds ...		47,109,371	
Total Jacksonville State University, Board of Trustees.....	27,551,096	47,109,371	74,660,467

8. MONTEVALLO, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support.....	24,490,281
(b) Auxiliary Enterprises.....	4,979,992
(c) Restricted Funds.....	1,901,866

SOURCE OF FUNDS:

(1) ETF	14,521,597		
(2) Federal and Other Funds ...		16,850,542	
Total Montevallo, University of, Board of Trustees	14,521,597	16,850,542	31,372,139

9. NORTH ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support.....	35,125,542
(b) Auxiliary Enterprises.....	3,710,705
(c) Restricted Funds.....	998,117

SOURCE OF FUNDS:

(1) ETF	20,469,748		
(2) Federal and Other Funds ..		19,364,616	
Total North Alabama, University of, Board of Trustees	20,469,748	19,364,616	39,834,364

In addition to the above appropriation, there is hereby conditionally appropriated the sum of \$1,000,000 to the University of North Alabama from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

10. SOUTH ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support...	324,248,868
(b) Auxiliary Enterprises.....	13,150,229
(c) Restricted Funds.....	23,650,000

SOURCE OF FUNDS:

(1) ETF	77,677,852		
(2) Federal and Other Funds....		283,371,245	
Total South Alabama, University of, Board of Trustees	77,677,852	283,371,245	361,049,097

11. TROY STATE UNIVERSITY, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support for Troy State University System	92,083,587
(b) Auxiliary Enterprises.....	10,488,579
(c) Restricted Funds.....	11,128,507
(d) Southeast Alabama Technology Network	400,000

SOURCE OF FUNDS:

(1) ETF	33,930,845		
(2) Federal and Other Funds....		80,169,828	
Total Troy State University, Board of Trustees	33,930,845	80,169,828	114,100,673

In addition to the above appropriation to the Troy State University System,

there is hereby appropriated \$1,350,000 for a Southeast Alabama Technology Network from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

12. WEST ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support...	14,361,868
(b) Auxiliary Enterprises	2,923,348
(c) Restricted Funds	429,931

SOURCE OF FUNDS:

(1) ETF	8,967,295		
(2) Federal and Other Funds ..		8,747,852	
Total West Alabama, University of, Board of Trustees	8,967,295	8,747,852	17,715,147

3D.OTHER:

1. DEAF AND BLIND, ALABAMA INSTITUTE FOR, BOARD OF TRUSTEES:

(a) Adult Programs	12,315,267
(b) Children and Youth Programs.....	23,777,797
(c) Industries for the Blind....	18,184,401

SOURCE OF FUNDS:

(1) ETF	32,841,870		
(2) Federal and Other Funds ...		21,435,595	
Total Deaf and Blind, Alabama Institute for, Board of Trustees	32,841,870	21,435,595	54,277,465

2. KNIGHT V. ALABAMA - FINANCIAL OBLIGATIONS:

(a) Operations and Maintenance and Program Support, Estimated	7,438,497
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SOURCE OF FUNDS:

(1) ETF	7,438,497	
Total Knight v. Alabama - Financial Obligations.....	7,438,497	7,438,497

To be allocated and expended in accordance with the 1995 Remedial Decree in Knight vs. Alabama, Civil Action CV 83-M-1676, 900F Supp 272. The above appropriation includes the third and final payment for \$890,952.50 ordered to be paid by the State to Alabama A and M University for the purchase of equipment and furniture needed to initiate and operate the electrical and mechanical engineering programs; \$177,400 for the Electrical Engineering Program and \$99,100 for the Mechanical Engineering Program at Alabama A and M University based on funding formula calculations provided by the Alabama Commission on Higher Education; and an amount to pay to Alabama A and M University 10% of any increase appropriated to the Auburn University Cooperative Extension System for fiscal year 1999-2000 pursuant to the Knight vs. Alabama decree.

3. TEACHER IN-SERVICE CENTERS - STATE UNIVERSITY DISTRIBUTION:

(a) In-Service Center Program.....	2,821,437
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The above appropriation to the In-Service Center Program shall be distributed to the existing eleven Teacher In-Service Centers in each

geographical area of the state
as follows:

University of Alabama	195,355
University of Alabama at Birmingham	348,735
Alabama A and M University	299,495
Alabama State University	230,974
Athens State College	215,963
Auburn University.....	234,590
Jacksonville State University	226,232
University of Montevallo	247,029
Troy State University	249,289
University of North Alabama	189,178
University of South Alabama	384,597

SOURCE OF FUNDS:

(1) ETF	2,821,437	
Total Teacher In-Service Cen- ters - State University Dis- tribution	2,821,437	2,821,437

In addition to the above appropriation to the Teacher In-Service Centers, there is hereby appropriated \$1,100,000 from the ETF to the In-Service Centers to be conditioned upon the availability of funds in the ETF and the approval of the Governor. In the event any or all of these conditional funds are released, the funds must be released on a pro rata basis to each in-service center.

SECTION 4. In addition to other appropriations from the ETF, there is hereby appropriated the following amounts to the following entities to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

Alabama A&M University	1,250,000
Alabama State University	1,000,000
University of Alabama at Tuscaloosa	1,000,000
University of Alabama at Birmingham	2,472,000
University of Alabama in Huntsville	250,000
Auburn University at Montgomery	100,000

(For the purchase of medical equipment for the School of Nursing)

Jacksonville State University	1,000,000
University of Montevallo	1,000,000
University of South Alabama	2,481,000
Troy State University Montgomery	100,000

(For the purchase of medical equipment for the School of Nursing)

University of West Alabama	1,000,000
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SECTION 5. The Legislature by its passage of Act 98-376 requires the phase out of hold harmless funds to be completed in FY 2002 in scheduled increments over a four-year period. The State Department of Education shall exclude from the calculation of the hold harmless amount to be distributed from the Public School Fund the following: 2% of the amount of the FY 1997 4% pay raise, the entire amount of the FY 1999 8.5% pay raise, the cost of the two additional professional development days for teachers and support personnel, and the net amount of the retirement savings realized from state funds within the Foundation Program by reducing the employer retirement contribution percentage of 9.66% from FY 1998 to the current employer retirement contribution provided in the State Board of Education K-12 Foundation Program in Section 3 of this act. Any local board of education receiving hold harmless funds may use part or all of its capital outlay allowance for the additional costs of any salary increase mandated by the Legislature in FY 1997 and not covered by an adjustment to the hold harmless allowance.

SECTION 6. In addition to the appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in this act, including grants by the Congress of the

United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. The State Superintendent of Education shall make requisitions to the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary education institutions. All other appropriations in this act shall be paid after proper requisitions are made to the State Comptroller in the manner now provided by law.

SECTION 8. Nothing in this act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriations act for the fiscal year ending September 30, 2000. All agencies enumerated in this act that receive services from other

governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 10. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 11. Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that other current appropriations are not available for court-ordered payments.

SECTION 12. Nothing in this act shall be deemed to prohibit or otherwise exclude merit pay raises; provided however, no such raises shall be provided employees if funds for said merit raises are deemed not available by the Finance Director. The term "merit raise" shall not include the normal salary increase upon promotion to a higher class ("promotional raise") nor the salary increase typically granted upon the employee successfully completing the probationary or working test period ("probationary raise"). The provisions of this section do not apply to employees of public K-12 schools nor to employees of public two-year and four-year institutions of higher education.

SECTION 13. All state-mandated and state-funded salary increases and fringe benefits for Child Nutrition Program workers shall be fully-funded from the Foundation Program Fund in this act and shall therefor be subsequently fully-funded by all local school boards from funds provided in this act from Other Current Expense and not from funds generated by the Child Nutrition Program.

SECTION 14. No funds provided herein for the public schools shall be used for the payment of any salaries of personnel which are not under the direct control, employment, and supervision of local boards of education; provided, however, that this section shall not apply to the construction, renovation, or major repair of buildings or other capital improvements which are beyond the capacity of regular employees to perform.

SECTION 15. Pursuant to the requirement that the Legislature certify the anticipated and appropriated beginning balance for FY 1999-2000, the amount anticipated and appropriated by the Legislature is \$25,800,000. In the event the beginning balance on October 1, 1999 in the ETF exceeds \$25,800,000, the first \$5,000,000 of that balance shall be transferred by the State Comptroller into the Education Fund Proration Prevention Account. Any remaining balance shall be subject to the provisions of House Bill 316 of the 1999 Regular Legislative Session.

SECTION 16. In addition to all appropriations made heretofore in this act, there is hereby conditionally appropriated from the Lottery Trust Fund, the amounts necessary to fund the educational programs and purposes, as defined in and in accordance with the provisions of Senate Bill 374 of the 1999 Regular Legislative Session, for the fiscal year ending September 30, 2000. The appropriations made in this section shall be conditioned solely upon the adoption by a majority of qualified voters of the Constitutional Amendment proposed by House Bill 73 of the 1999 Regular Legislative Session.

SECTION 17. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of the appropriations herein made is held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 18. All laws or parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this act are hereby expressly repealed.

SECTION 19. This act shall become effective on October 1, 1999.

Approved June 11, 1999

Time: 2:00 P.M.

Act No. 99-435

S. 393 – Senator Escott-Russell

AN ACT

To amend Sections 26-10A-2, 26-10A-8, 26-10A-9, 26-10A-17, 26-10A-21, and 26-10A-24, Code of Alabama 1975, relating to implied consent or relinquishment of a minor for adoption, to provide consent or relinquishment may be implied based on the failure by the father to offer prebirth support.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 26-10A-2, 26-10A-8, 26-10A-9, 26-10A-17, 26-10A-21, and 26-10A-24, Code of Alabama 1975, are amended to read as follows:

“§26-10A-2.

“The following words and phrases shall have the following meaning whenever used in this chapter except where the context clearly indicates a different meaning:

“(1) **ABANDONMENT.** A voluntary and intentional relinquishment of the custody of a minor by parent, or a withholding from the minor, without good cause or excuse, by the parent, of his presence, care, love, protection, maintenance, or the opportunity for the display of filial affection, or the failure to claim the rights of a parent, or the failure to perform the duties of a parent.

“(2) **ADOPTEE.** The person being adopted.

“(3) **ADULT.** A person who is 19 years of age or older or who by statute is otherwise deemed an adult.

“(4) **CONSENT.** Voluntarily agreeing to adoption.

“(5) **FATHER.** A male person who is the biological father of the minor or is treated by law as the father.

“(6) **LICENSED CHILD PLACING AGENCY.** Any adoption agency that is licensed under the provisions of the Alabama Child Care Act of 1971 or any adoption agency approved by the Department of Human Resources.

“(7) **MINOR.** A person under the age of 19 or a person who is not an adult under the law in the jurisdiction where he or she resides. The term includes a minor parent only.

“(8) **MOTHER.** A female person who is the biological mother of the minor or is treated by law as the mother.

“(9) **PARENT.** Natural or legal father or mother.

“(10) **PARTIES IN INTEREST.** The adoptive parents and the natural parents unless the rights of the natural parents have been terminated or relinquished for purposes of adoption then the agency that has custody becomes a party in interest. This phrase does not include the adoptee.

“(11) **PRESUMED FATHER.** Any male person as defined in the Alabama Uniform Parentage Act.

“(12) **PUTATIVE FATHER.** The alleged or reputed father.

“(13) **RELINQUISHMENT.** Giving up the physical custody of a minor for purpose of placement for adoption to a licensed child placing agency or the Department of Human Resources.

“(14) **SPECIAL NEEDS CHILD.** A child as defined by the Federal Adoption Assistance and Child Welfare Act of 1980.

“§26-10A-8.

“(a) Prior to a minor parent giving consent a guardian ad litem must be appointed to represent the interests of a minor parent whose consent is required. Any minor, 14 years of age and beyond, can nominate a guardian ad litem either prior to the birth of the baby or thereafter.

“(b) A consent or relinquishment executed by a parent who is a minor shall not be subject to revocation by reason of such minority.

“(c) A minor father may give his implied consent by his actions. If a court finds by conclusive evidence that a minor father has given implied consent to the adoption, notice and the appointment of a guardian ad litem shall not be necessary.

“§26-10A-9.

“A consent or relinquishment required by Section 26-10A-7 may be implied by any of the following acts of a parent:

“(1) Abandonment of the adoptee. Abandonment includes, but is not limited to, the failure of the father, with reasonable knowledge of the pregnancy, to offer financial and/or emotional support for a period of six months prior to the birth.

“(2) Leaving the adoptee without provision for his or her identification for a period of 30 days.

“(3) Knowingly leaving the adoptee with others without provision for support and without communication, or not otherwise maintaining a significant parental relationship with the adoptee for a period of six months.

“(4) Receiving notification of the pendency of the adoption proceedings under Section 26-10A-17 and failing to answer or otherwise respond to the petition within 30 days.

“§26-10A-17.

“(a) Unless service has been previously waived, notice of pendency of the adoption proceeding shall be served by the petitioner on:

“(1) Any person, agency, or institution whose consent or relinquishment is required by Section 26-10A-7, unless service has been previously waived;

“(2) The legally appointed custodian or guardian of the adoptee.

“(3) The spouse of any petitioner who has not joined in the petition.

“(4) The spouse of the adoptee.

“(5) The surviving parent or parents of a deceased parent of the adoptee.

“(6) Any person known to the petitioners as having physical custody, excluding licensed foster care or other private licensed agencies or having visitation rights with the adoptee under an existing court order.

“(7) The agency or individual authorized to investigate the adoption under Section 26-10A-19.

“(8) Any other person designated by the court.

“(9) Department of Human Resources.

“(10) The father and putative father of the adoptee if made known by the mother or otherwise known by the court unless the court finds that the father has given implied consent to the adoption, as defined in Section 26-10A-9.

“(b) The notice shall specifically state that the person served must respond to the petitioner within 30 days if he or she intends to contest the adoption. A copy of the petition for adoption shall be delivered to those individuals or agencies in subdivisions (a)(2) through (a)(10). Any notice required by this chapter may be served on a natural parent prior to birth.

“(c) Service of the notice shall be made in the following manner:

“(1) Service of process shall be made in accordance with the Alabama Rules of Civil Procedure except as otherwise provided by the Alabama Rules of Juvenile Procedure. If the identity or whereabouts of the parent is unknown, or if the one parent fails or refuses to disclose the identity or whereabouts of the other parent, the court shall then issue an order providing for service by publication, by posting, or by any other substituted service.

“(2) As to the agency or individual referred to in subdivisions (a) (7) and (a) (9) above, notice shall be by certified mail.

“(3) As to any other person for whom notice is required under subsection (a) of this section, service by certified mail, return receipt requested, shall be sufficient. If such service cannot be completed after two attempts, the court shall issue an order providing for service by publication, by posting, or by any other substituted service.

“(d) The notice required by this section may be waived in writing by the person entitled to receive notice.

“(e) Proof of service of the notice on all persons for whom notice is required by this section must be filed with the court before the adjudicational hearing, provided in Section 26-10A-24.

“§26-10A-21.

“If, at any time during the pendency of the adoption proceeding, it is determined that any other custody action concerning the adoptee is pending in the courts of this state or any other state or country, any party to the adoption proceeding, or the court on its own motion, may move to stay such adoption proceeding until a determination has been made by an appropriate court with jurisdiction pursuant to the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA) or the Parental Kidnapping Prevention Act (PKPA). The adoption may be transferred and consolidated with a custody proceeding pending in any court in this state.

“§26-10A-24.

“(a) Whenever a motion contesting the adoption is filed, the court shall set the matter for a contested hearing to determine:

“(1) Whether the best interests of the adoptee will be served by the adoption.

“(2) Whether the adoptee is a person capable of being adopted by the petitioner in accordance with the requirements of this chapter.

“(3) Whether an actual or implied consent or relinquishment to the adoption is valid.

“(4) Whether a consent or relinquishment may be withdrawn.

“(b) The court shall give notice of the contested hearing by certified mail to all parties who have appeared before the court. The moving party and each petitioner shall be present at the contested hearing. The guardian ad litem shall appear and represent the interests of the adoptee.

“(c) The court may continue the hearing from time to time to permit notice to all parties, or to permit further discovery, observation, investigation, or consideration of any fact or circumstances affecting the granting of the adoption petition. The court may order the investigating officer, appointed under Section 26-10A-19, to investigate the allegations set forth in the motion for a contested hearing or the whereabouts of any person entitled to notice of the proceeding.

“(d) After hearing evidence at a contested hearing, the court shall dismiss the adoption proceeding if the court finds:

“(1) That the adoption is not in the best interests of the adoptee.

“(2) That a petitioner is not capable of adopting the adoptee.

“(3) That a necessary consent cannot be obtained or is invalid.

“(4) That a necessary consent may be withdrawn. Otherwise the court shall deny the motion of the contesting party.

“(e) On motion of either party or of the court, a contested adoption hearing may be transferred to the court having jurisdiction over juvenile matters.

“(f) All references to the names of the parties in the proceedings shall be by initial only.

“(g) Where the contested hearing is held in the probate court the judge may, upon completion of the contested hearing, immediately proceed with the dispositional hearing as provided in Section 26-10A-25.

“(h) Where there is a contested case hearing, if the adoption is denied, then the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all medical and living expenses incidental to the care and well being of the minor child for the time the child resided with the petitioner or petitioners for adoption.

“(i) Where there is a contested hearing and the contest fails, then the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all legal costs incurred which are incidental to the contest.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1999

Time: 4:04 P.M.

Act No. 99-436

H. 25 – Rep. Galliher

AN ACT

Relating to grandparent visitation; to provide further for the right of a grandparent to petition for visitation of grandchildren; and to repeal Section 30-3-4, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) For the purposes of this act, the term “grandparent” means the parent of a parent of a minor child, the parent

of a minor child's parent who has died, or the parent of a minor child's parent whose parental rights have been terminated when the child has been adopted pursuant to Section 26-10A-27, 26-10A-28, or 26-10A-30, Code of Alabama 1975, dealing with stepparent and relative adoption.

(b) Except as otherwise provided in this section, any grandparent may file an original action for visitation rights to a minor child if it is in the best interest of the minor child and one of the following conditions exist:

(1) When one or both parents of the child are deceased.

(2) When the marriage of the parents of the child has been dissolved.

(3) When a parent of the child has abandoned the minor.

(4) When the child was born out of wedlock.

(5) When the child is living with both biological parents who are still married to each other whether or not there is a broken relationship between either or both parents of the minor and the grandparent and either or both parents have used their parental authority to prohibit a relationship between the child and the grandparent.

(c) Any grandparent may intervene in and seek to obtain visitation rights in any action when any court in this state has before it any question concerning the custody of a minor child, a divorce proceeding of the parents or a parent of the minor child, or a termination of the parental rights proceeding of either parent of the minor child provided the termination of parental rights is for the purpose of adoption pursuant to Sections 26-10A-27, 26-10A-28, or 26-10A-30, Code of Alabama 1975, dealing with stepparent or relative adoption.

(d) Upon the filing of an original action or upon intervention in an existing proceeding pursuant to subsections (a) and (b), the court shall grant any grandparent of the child reasonable visitation rights if the court finds that the best interests of the child would be served by the visitation. In determining the best interest of the child, the court shall consider the following:

(1) The willingness of the grandparent or grandparents to encourage a close relationship between the child and the parent or parents.

(2) The preference of the child if the child is determined to be of sufficient maturity to express a preference.

(3) The mental and physical health of the child.

(4) The mental and physical health of the grandparent or grandparents.

(5) Evidence of domestic violence inflicted by one parent upon the other parent or the child. If the court determines that evidence of domestic violence exists, visitation provisions shall be made in a manner protecting the child or children, parents, or grandparents from further abuse.

(6) Other relevant factors in the particular circumstances.

(e) The court shall make specific written findings of fact in support of its rulings. There shall be a rebuttal presumption in favor of visitation by any grandparent. An original action requesting visitation rights shall not be filed by any grandparent more than once during any two-year period and shall not be filed during any year in which another custody action has been filed concerning the child. After visitation rights have been granted to any grandparent, the legal custodian, guardian, or parent of the child may petition the court for revocation or amendment of the visitation rights, for good cause shown, which the court, in its discretion, may grant or deny. Unless evidence of abuse is alleged or other exceptional circumstances a petition shall not be filed more than once in any two-year period.

(f) If the court finds that the grandparent or grandparents can bear the cost without unreasonable financial hardship, the court, at the sole expense of the petitioning grandparent or grandparents, may appoint a guardian ad litem for the minor child.

Section 2. All laws or parts of laws which conflict with this act, specifically Section 30-3-4, Code of Alabama 1975, are repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 11, 1999

Time: 4:00 P.M.

Act No. 99-437

H. 123 – Rep. Hall (L)

AN ACT

Relating to foster care; to establish the Kinship Foster Care Program; to provide for the administration of the program; and to provide for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in Sections 2, 3, 4, and 5, the following words shall have the following meanings:

(1) DEPARTMENT. State Department of Human Resources.

(2) FOSTER PARENT. Any person with whom a child in the care, custody, or guardianship of the department, is placed for temporary or long-term care, but shall not include any person with whom a child is placed for the purpose of adoption.

Section 2. (a) There is established a Kinship Foster Care Program in the State Department of Human Resources.

(b) When a child has been removed from his or her home and is in the care, custody, or guardianship of the department, the department shall attempt to place the child with a relative for kinship foster care. If the relative is approved by the department to provide foster care services, in accordance with rules and regulations adopted by the department regarding foster care services, and a placement with the relative is made, the relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

(c) The department shall establish eligibility standards for becoming a kinship foster parent as follows:

(1) Relatives within the first, second, or third degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption may be eligible for approval as a kinship foster parent.

(2) The kinship foster parent shall be 21 years of age or older, except that if the spouse or partner of the relative is 21 years of age or older and living in the home, and the relative is between 18 and 21 years of age, the department may waive the age requirement.

Section 3. (a) A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a state or federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective foster parent's home.

(b) The Alabama Bureau of Investigation shall conduct the investigation and shall make the results of the investigation available to the department in accordance with this section. The department shall maintain the confidentiality of the investigation results and shall use the results only for purposes of determining a person's eligibility to become a kinship foster parent.

(c) It is unlawful, except for the purpose of determining a person's eligibility for kinship foster care, for any person to disclose

information obtained under this section. Any person violating this section commits a Class A misdemeanor.

Section 4. (a) The department shall determine whether the person is able to care effectively for the foster child by the following methods:

- (1) Reviewing personal and professional references.
- (2) Observing during a home visit of the kinship foster parent with household members.

- (3) Interviewing the kinship foster parent.

(b) The department and the kinship foster parent shall develop a case plan for the foster care of the child. The plan shall be periodically reviewed and updated. If the plan includes the use of an approved daycare center or family daycare home, the department shall pay for child care arrangements, according to established rates.

(c) The kinship foster parent shall cooperate with any activities specified in the case plan for the foster child, such as counseling, therapy, or court sessions, or visits with the foster child's parents or other family members.

Section 5. The department may adopt rules and regulations to carry out the provisions of this act.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 11, 1999

Time: 4:01 P.M.

Act No. 99-438

H. 224 – Reps. Newton (D), Black (M)
and Fuller

AN ACT

Relating to child custody; to provide for the repeal of Article 2, Chapter 3, Title 30 (Sections 30-3-20 to 30-3-44, inclusive) and to provide for the Uniform Child Custody Jurisdiction and Enforcement Act as a new Chapter 3B of Title 30; Chapter 3B would provide for the following: Article 1 General Provisions; short title; definitions; proceedings governed by other law; application to Indian Tribes; international application of chapter; effect of child custody determination; priority; notice to persons outside state; appearance and limited immunity; communication between courts; taking testimony in another state; cooperation between courts; preservation; Article 2 Jurisdiction; initial child custody jurisdiction; continuing, exclusive jurisdiction; jurisdiction to modify determination; temporary emergency

jurisdiction; notice; opportunity to be heard; joinder; simultaneous proceedings; inconvenient forum; jurisdiction declined by reason of court; information to be submitted to court; appearance of parties and child; Article 3 Enforcement; definitions; enforcement under Hague Convention; duty to enforce; temporary visitation; registration of child custody determination; enforcement of registered determination; simultaneous proceedings; expedited enforcement of child custody determination; service of petition and order; hearing and order; warrant to take physical custody of child; costs, fees, and expenses; recognition and enforcement; appeals; Article 4 Miscellaneous Provisions; application and construction; severability clause; effective date; repealer; transitional provisions; and to amend Section 30-3-156, to conform certain internal references with this chapter.

Be It Enacted by the Legislature of Alabama:

Section 1. The Uniform Child Custody Jurisdiction and Enforcement Act is provided as follows as a new Chapter 3B of Title 30, Code of Alabama 1975:

ARTICLE 1.

GENERAL PROVISIONS

Section 30-3B-101. Short Title. This chapter may be cited as the Uniform Child Custody Jurisdiction and Enforcement Act.

Section 30-3B-102. DEFINITIONS. In this chapter, the following terms shall have the following meanings:

(1) **ABANDONED.** Left without provision for reasonable and necessary care or supervision.

(2) **CHILD.** An individual who has not attained 19 years of age.

(3) **CHILD CUSTODY DETERMINATION.** A judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) **CHILD CUSTODY PROCEEDING.** A proceeding in a court in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a court proceeding involving juvenile delinquency, contractual emancipation, adoption, or enforcement under Article 3.

(5) **COMMENCEMENT.** The filing of the first pleading in a proceeding.

(6) **COURT.** An entity authorized under the law of a state to establish, enforce, or modify a child custody determination.

(7) **HOME STATE.** The state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of the child or any of the mentioned persons is part of the period.

(8) **INITIAL DETERMINATION.** The first child custody determination concerning a particular child.

(9) **ISSUING COURT.** The court that makes a child custody determination for which enforcement is sought under this chapter.

(10) **ISSUING STATE.** The state in which a child custody determination is made.

(11) **MODIFICATION.** A child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(12) **PERSON.** An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(13) **PERSON ACTING AS A PARENT.** A person, other than a parent, who:

a. Has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child custody proceeding; and

b. Has been awarded legal custody by a court or claims a right to legal custody under the law of this state.

(14) **PHYSICAL CUSTODY.** The physical care and supervision of a child.

(15) **STATE.** A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) **WARRANT.** An order issued by a court authorizing law enforcement officers to take physical custody of a child.

Section 30-3B-103. Proceedings Governed By Other Law. This chapter does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.

Section 30-3B-104. Application To Indian Tribes. A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., is not subject to this chapter to the extent that it is governed by the Indian Child Welfare Act.

Section 30-3B-105. International Application Of Chapter.

(a) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying this article and Article 2.

(b) Except as otherwise provided in subsection (c), a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under Article 3.

(c) A court of this state need not apply this chapter if the child custody law of a foreign country violates fundamental principles of human rights.

Section 30-3B-106. Effect Of Child Custody Determination. A child custody determination made by a court of this state that had jurisdiction under this chapter binds all persons who have been served in accordance with the laws of this state or notified in accordance with Section 30-3B-108 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

Section 30-3B-107. Priority. If a question of existence or exercise of jurisdiction under this chapter is raised in a child custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

Section 30-3B-108. Notice To Persons Outside State.

(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of this state.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Section 30-3B-109. Appearance And Limited Immunity.

(a) When making a special appearance a party to a child custody proceeding, including a modification proceeding, or a petitioner

or respondent in a proceeding to enforce or register a child custody determination is not subject to personal jurisdiction in this state for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) A person who is subject to personal jurisdiction in this state on a basis other than physical presence is not immune from service of process in this state. A party present in this state who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(c) The immunity granted by subsection (a) does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this chapter committed by an individual while present in this state.

Section 30-3B-110. Communication Between Courts.

(a) A court of this state may communicate with a court in another state concerning a proceeding arising under this chapter.

(b) The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(c) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(d) Except as otherwise provided in subsection (c), a record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record.

(e) For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Section 30-3B-111. Taking Testimony In Another State.

(a) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(b) A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual

means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Section 30-3B-112. Cooperation Between Courts; Preservation Of Records.

(a) A court of this state may request the appropriate court of another state to:

- (1) Hold an evidentiary hearing;
- (2) Order a person to produce or give evidence pursuant to procedures of that state;
- (3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;
- (4) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and
- (5) Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(b) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection (a).

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) may be assessed against the parties according to the law of this state.

(d) A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child attains 19 years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.

ARTICLE 2.

JURISDICTION

Section 30-3B-201. Initial Child Custody Jurisdiction.

(a) Except as otherwise provided in Section 30-3B-204, a court of this state has jurisdiction to make an initial child custody determination only if:

(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) A court of another state does not have jurisdiction under subdivision (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Section 30-3B-207 or 30-3B-208, and:

a. The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and

b. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;

(3) All courts having jurisdiction under subdivision (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 30-3B-207 or 30-3B-208; or

(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2), or (3).

(b) Subsection (a) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

(c) Physical presence of a child is not necessary or sufficient to make a child custody determination.

Section 30-3B-202. Continuing, Exclusive Jurisdiction.

(a) Except as otherwise provided in Section 30-3B-204, a court of this state which has made a child custody determination consistent with Section 30-3B-201 or Section 30-3B-203 has continuing, exclusive jurisdiction over the determination until:

(1) A court of this state determines that neither the child, nor the child and one parent, nor the child and a person acting as a parent have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child's care, protection, training, and personal relationships; or

(2) A court of this state or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this state.

(b) A court of this state which has made a child custody determination and does not have continuing, exclusive jurisdiction under

this section may modify that determination only if it has jurisdiction to make an initial determination under Section 30-3B-201.

Section 30-3B-203. Jurisdiction To Modify Determination. Except as otherwise provided in Section 30-3B-204, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under Section 30-3B-201(a)(1) or (2) and:

(1) The court of the other state determines it no longer has continuing, exclusive jurisdiction under Section 30-3B-202 or that a court of this state would be a more convenient forum under Section 30-3B-207; or

(2) A court of this state or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

Section 30-3B-204. Temporary Emergency Jurisdiction.

(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.

(c) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 30-3B-201 through 30-3B-203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to Sections 30-3B-201 through 30-3B-203, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Section 30-3B-205. Notice; Opportunity To Be Heard; Joinder.

(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of Section 30-3B-108 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.

Section 30-3B-206. Simultaneous Proceedings.

(a) Except as otherwise provided in Section 30-3B-204, a court of this state may not exercise its jurisdiction under this article if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this chapter, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under Section 30-3B-207.

(b) Except as otherwise provided in Section 30-3B-204, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to Section 30-3B-209. If the court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with

this chapter, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this chapter does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.

(c) In a proceeding to modify a child custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

(1) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(2) Enjoin the parties from continuing with the proceeding for enforcement; or

(3) Proceed with the modification under conditions it considers appropriate.

Section 30-3B-207. Inconvenient Forum.

(a) A court of this state which has jurisdiction under this chapter to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon the motion of a party, the court's own motion, or request of another court.

(b) Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(1) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(2) The length of time the child has resided outside this state;

(3) The distance between the court in this state and the court in the state that would assume jurisdiction;

(4) The relative financial circumstances of the parties;

(5) Any agreement of the parties as to which state should assume jurisdiction;

(6) The nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(8) The familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(d) A court of this state may decline to exercise its jurisdiction under this chapter if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

Section 30-3B-208. Jurisdiction Declined By Reason Of Conduct.

(a) Except as otherwise provided in Section 30-3B-204 or by other law of this state, if a court of this state has jurisdiction under this chapter because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) A court of the state otherwise having jurisdiction under Sections 30-3B-201 through 30-3B-203 determines that this state is a more appropriate forum under Section 30-3B-207; or

(3) No court of any other state would have jurisdiction under the criteria specified in Sections 30-3B-201 through 30-3B-203.

(b) If a court of this state declines to exercise its jurisdiction pursuant to subsection (a), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under Sections 30-3B-201 through 30-3B-203.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection (a), it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the

course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this state unless authorized by law other than this chapter.

Section 30-3B-209. Information To Be Submitted To Court.

(a) Except, as otherwise provided in subsection (e), in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(1) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child custody determination, if any;

(2) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions, and, if so, identify the court, the case number, and the nature of the proceeding; and

(3) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a) (1) through (3) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of the present address or whereabouts of a party or child, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the

disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

Section 30-3B-210. Appearance Of Parties And Child.

(a) In a child custody proceeding in this state, the court may order a party to the proceeding who is in this state to appear before the court in person with or without the child. The court may order any person who is in this state and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to Section 30-3B-108 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(d) If a party to a child custody proceeding who is outside this state is directed to appear under subsection (b) or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

ARTICLE 3.

ENFORCEMENT

Section 30-3B-301. Definitions. In this article, the following terms shall have the following meanings:

(1) PETITIONER. A person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

(2) RESPONDENT. A person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

Section 30-3B-302. Enforcement Under Hague Convention. Under this article a court of this state may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

Section 30-3B-303. Duty To Enforce.

(a) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

(b) A court of this state may utilize any remedy available under other law of this state to enforce a child custody determination made by a court of another state. The remedies provided in this article are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

Section 30-3B-304. Temporary Visitation.

(a) A court of this state which does not have jurisdiction to modify a child custody determination, may issue a temporary order enforcing:

- (1) A visitation schedule made by a court of another state;
- (2) The visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule; or
- (3) The visitation provision of a child custody determination of another state by implementing makeup or substitute visitation.

(b) If a court of this state makes an order under subsection (a) (2) or subsection (a) (3), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in Article 2. The order remains in effect until an order is obtained from the other court or the period expires.

Section 30-3B-305. Registration Of Child Custody Determination.

(a) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

- (1) A letter or other document requesting registration;
- (2) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) Except as otherwise provided in Section 30-3B-209, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a), the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) Serve notice upon the persons named pursuant to subsection (a)(3) and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) must state that:

(1) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(2) A hearing to contest the validity of the registered determination must be requested within 30 days after service of notice; and

(3) Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(d) A person seeking to contest the validity of a registered order must request a hearing within 30 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) The issuing court did not have jurisdiction under Article 2;

(2) The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2; or

(3) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of Section 30-3B-108, in the proceedings before the court that issued the order for which registration is sought.

(e) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(f) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Section 30-3B-306. Enforcement Of Registered Determination.

(a) A court of this state may grant any relief normally available under the law of this state to enforce a registered child custody determination made by a court of another state.

(b) A court of this state shall recognize and enforce, but may not modify, except in accordance with Article 2, a registered child custody determination of a court of another state.

Section 30-3B-307. Simultaneous Proceedings. If a proceeding for enforcement under this article is commenced in a court of this state and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under Article 2, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

Section 30-3B-308. Expedited Enforcement Of Child Custody Determination.

(a) A petition under this article must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child custody determination must state:

(1) Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this chapter and, if so, identify the court, the case number, and the nature of the proceeding;

(3) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(4) The present physical address of the child and the respondent, if known;

(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought and, if so, the relief sought; and

(6) If the child custody determination has been registered and confirmed under Section 30-3B-305, the date and place of registration.

(c) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under Section 30-3B-312, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) The child custody determination has not been registered and confirmed under Section 30-3B-305, and that:

a. The issuing court did not have jurisdiction under Article 2;

b. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2;

c. The respondent was entitled to notice, but notice was not given in accordance with the standards of Section 30-3B-108, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child custody determination for which enforcement is sought was registered and confirmed under Section 30-3B-304, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2.

Section 30-3B-309. Service Of Petition And Order. Except as otherwise provided in Section 30-3B-311, the petition and order must be served, by any method authorized by the Alabama Rules of Civil Procedure, upon respondent and any person who has physical custody of the child.

Section 30-3B-310. Hearing And Order.

(a) Unless the court issues a temporary emergency order pursuant to Section 30-3B-204, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) The child custody determination has not been registered and confirmed under Section 30-3B-305 and that:

- a. The issuing court did not have jurisdiction under Article 2;
- b. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2; or
- c. The respondent was entitled to notice, but notice was not given in accordance with the standards of Section 30-3B-108, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child custody determination for which enforcement is sought was registered and confirmed under Section 30-3B-305, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2.

(b) The court may award the fees, costs, and expenses authorized under Section 30-3B-312 and may grant additional relief, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this article.

Section 30-3B-311. Warrant To Take Physical Custody Of Child.

(a) Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is imminently likely to suffer serious physical harm or be removed from this state.

(b) If the court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from this state, it may issue a warrant to take physical custody of the child. The petition must be heard within 72 hours after the warrant is executed unless impossible. In that event, the court shall hold the hearing on the next judicial day. The application for the warrant must include the statements required by Section 30-3B-308(b).

(c) A warrant to take physical custody of a child must:

(1) Recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) Direct law enforcement officers to take physical custody of the child immediately;

(3) Provide for the placement of the child pending final relief; and

(4) Provide the specific facts found by the court that constitute “the exigent circumstances” required under Section 30-3B-311(e) to warrant authorizing the law enforcement officers to make a forcible entry at any hour.

(d) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(f) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child’s custodian.

Section 30-3B-312. Costs, Fees, And Expenses.

(a) The court may award any party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney’s fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this chapter.

Section 30-3B-313. Recognition And Enforcement. A court of this state shall accord full faith and credit to an order issued by another state and consistent with this chapter which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2.

Section 30-3B-314. Appeals. An appeal may be taken from a final order in a proceeding under this article in accordance with Alabama law. Unless the court enters a temporary emergency order under Section 30-3B-204, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

ARTICLE 4.

MISCELLANEOUS PROVISIONS

Section 30-3B-401. Application And Construction. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 30-3B-402. Severability Clause. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Section 30-3B-403. Effective Date. This chapter takes effect January 1, 2000.

Section 30-3B-404. Repeals. Effective January 1, 2000, the following sections and all amendments thereto and all other sections and parts of sections of this code inconsistent herewith are repealed: the Uniform Child Custody Jurisdiction Act located at Sections 30-3-20 through 30-3-44. No actions may be filed under the repealed provisions after December 31, 1999.

Section 30-3B-405. Transitional Provision. A motion or other request for relief made in a child custody proceeding or to enforce a child custody determination which was commenced before January 1, 2000, is governed by the law in effect at the time the motion or other request was made.

Section 2. Effective January 1, 2000, Section 30-3-156, Code of Alabama 1975, is amended to read as follows:

“§30-3-156.

“The fact that joint custody has been awarded to both parents shall not preclude a court from finding that one parent has committed the crime of interference with custody as provided in Section 13A-6-45, or has violated the Uniform Child Custody Jurisdiction and Enforcement Act as provided in Chapter 3B of this title.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 11, 1999

Time: 4:02 P.M.

Act No. 99-439

H. 456 – Rep. Hawk

AN ACT

Relating to the Executive Department; to create the Department of Children's Affairs; to create the Commissioner of Children's Affairs; to provide for the appointment, compensation, and duties of the commissioner and the functions of the office; and to provide for office space, employees, and supplies for the department and office of the commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. The Department of Children's Affairs is created. The department is a part of the Executive Department of state government, principally established to enable the Governor to effectively and efficiently coordinate efforts and programs to serve children throughout the state.

Section 2. (a) The department shall be headed by and shall be under the direction, supervision, and control of an officer who shall be known and designated as the Commissioner of Children's Affairs. The commissioner shall be responsible to the Governor for the administration of the department.

(b) The commissioner shall be appointed by and shall hold office at the pleasure of the Governor.

(c) Vacancies in the office of commissioner for any reason shall be filled by the Governor.

(d) The salary of the commissioner shall be fixed by the Governor at a sum comparable to salaries paid similar officers in state government.

(e) Before entering upon the discharge of duties, the commissioner shall take the constitutional oath of office and shall execute to the State of Alabama a bond, to be approved by the Governor, in an amount to be fixed by the Governor, but not less than ten thousand dollars (\$10,000), conditioned upon the faithful performance of his or her duties. The premiums on the bond shall be paid out of the State Treasury.

(f) The commissioner shall devote full time to the official duties of the office and shall not hold another office under the government of the United States, or any other state, or of this state or of any political subdivision thereof, during his or her incumbency in the office. The commissioner shall not hold any position of trust or profit, the conduct of which shall interfere or be inconsistent with his or her duties as commissioner pursuant to this act.

Section 3. The duties of the commissioner shall include, but not be limited to, all of the following:

(1) Advising the Governor and the Legislature in matters relating to children.

(2) Serving as a liaison between the Governor and state agencies providing programs or services for children.

(3) Educating and informing legislators and other elected officials about issues affecting children including, but not limited to, providing information about the existence of pending legislation that affects children.

(4) Coordinating local effort by creating a network of existing local and community groups and advocates dedicated to children to enable beneficial organizations throughout the state to assist and educate each other.

(5) Actively seeking and applying for federal and private grants to fund children's programs.

Section 4. All functions and duties of the department shall be exercised by the commissioner acting alone or by and through any administrative division or officer or employee that the commissioner may designate. The commissioner shall have all power and authority necessary or convenient to carry out the functions and duties of the department.

Section 5. In the performance of the functions and duties of the office and in the exercise of the powers and authorities, the commissioner and all other officers and employees of the department shall be subject to all legal restrictions, limitations, and conditions and penalties, civil and criminal, with respect to the performance of those functions and duties and the exercise of those powers and authorities.

Section 6. The Governor may provide office space for the use of the department, commissioner, and staff of either. The commissioner may employ and secure the necessary staff, supplies, and materials to carry out this act, subject to the approval of the Governor, and pursuant to the State Merit System.

Section 7. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 11, 1999

Time: 4:07 P.M.

Act No. 99-440

H. 637 – Rep. Rogers (M)

AN ACT

To amend Section 30-3-170 of the Code of Alabama 1975, relating to the withholding, suspension, revocation, or restricted use of licenses for failure to pay support, to include sporting licenses in the types of licenses that may be withheld, suspended, revoked, or restricted; to amend Section 30-3-193 of the Code of Alabama 1975, relating to information provided to the state's Title IV-D agency by a public or private corporation or agency, to further provide for the release of information; and to amend Section 30-3-194 of the Code of Alabama 1975, relating to agencies charged with the duty to issue or renew driver's licenses or sporting or recreational licenses; to require the social security number of any applicant for the issuance or renewal of such license be included on the application and related records which are maintained by the agency, to be provided to the Title IV-D agency on request to administer the child support program.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 30-3-170, 30-3-193, and 30-3-194 of the Code of Alabama 1975, are amended to read as follows:

“§30-3-170.

“When used in this article, the following words shall have the following meanings:

“(1) **COURT.** A court of competent jurisdiction or administrative agency having the authority to issue and enforce support orders.

“(2) **DELINQUENT or DELINQUENCY.** A support debt or support obligation due and unpaid in an amount equal to or greater than six months support payments as of the date of service of a notice of intent to suspend or revoke a license.

“(3) **DEPARTMENT.** The Alabama Department of Human Resources, including the county departments of human resources.

“(4) **LICENSE.** Any license, certificate, registration, or authorization issued by a licensing authority which grants a person a right or privilege to engage in an occupational, professional, sporting, or recreational activity, or to operate a motor vehicle.

“(5) **LICENSEE.** The holder of a license.

“(6) **LICENSING AUTHORITY.** Any department, division, board, agency, or instrumentality of the State of Alabama or its political subdivisions that issues a license.

“(7) **OBLIGEE.** Either of the following:

“a. A person to whom support benefits are ordered by the court.

“b. A public agency of this or another state that has the right to receive support payments or otherwise is providing support enforcement services under Title IV-D of the Social Security Act. The term shall include the department.

“(8) **OBLIGOR.** A person ordered by a court to make periodic payments for the benefit and support of another person or child.

“(9) **SUPPORT or SUPPORT ORDER.** Support of a minor child and spousal support when the spousal support is collected pursuant to the requirements of Title IV-D of the Social Security Act. Support order shall mean any order, decree, or judgment for the support of a child, or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse, or former spouse, issued by a court or other entity authorized to issue the orders.

“§30-3-193.

“(a) Subject to due process safeguards, including requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to a judicial tribunal, upon request from the state Title IV-D agency, public and private entities and individuals as specified in this section shall provide information when the state Title IV-D agency has reason to believe that the information provides location information or otherwise assists in the administration of the state’s child support enforcement program. The information shall be available only for the purposes prescribed herein.

“(b) The state Title IV-D agency shall be provided access to information contained in the following records, including automated access from the governmental entities maintaining the records:

“(1) State and local governmental agency records for vital statistics including records of marriage, birth, paternity, death, and divorce.

“(2) State and local tax and revenue agency records including information on residence address, employer, income, and assets.

“(3) State and local governmental agency records concerning real and titled personal property including motor vehicles.

“(4) State and local governmental agency records of employment.

“(5) State and local governmental agency records of public assistance, food stamps, Medicaid, and Department of Corrections.

“(6) State and local governmental agency records relating to law enforcement including, but not limited to, National Crime Information Center records.

“(c) The state Title IV-D agency shall be provided access to state and local governmental or nongovernmental agency records of occupational and professional licenses and records concerning the ownership and control of corporations, partnerships, and other business entities.

“(d) The state Title IV-D agency shall be provided information pursuant to an administrative subpoena issued by the Title IV-D agency to a public or private company or agency such as a utility or cable television company; provided that such information sought in the subpoena shall be limited to the address of individuals identified by the agency and the name and address of the employer of such individuals.

“(e) No entity or individual shall be held liable in any civil or criminal action for disclosing any information to the state Title

IV-D agency under this section or for any other action taken in good faith to comply with this section.

“(f) The recipient of an administrative subpoena shall be permitted up to thirty (30) calendar days to respond to such subpoena.

“(g) The state Title IV-D agency may pay a reasonable fee to a private entity or individual for conducting a data match, records search or other efforts to comply with an administrative subpoena. Such fee shall not exceed the actual costs incurred by the private entity or individual.

“§30-3-194.

“(a) Any agency charged with the administration of any law concerning the issuance or renewal of a license, certificate, permit, or other authorization to drive a private or commercial motor vehicle or to engage in a profession, occupation, or recreational, sporting, or commercial activity shall require all applicants for issuance or renewal of the license, certificate, permit, or other authorization to provide the applicant’s social security number to the agency, which agency shall record the social security number on the application and related records maintained by the agency.

“(b) All divorce decrees, support orders, and paternity determinations issued, and all paternity acknowledgments made, shall include in the records the social security number of each party subject to the decree, order, determination, or acknowledgement. The social security number of each party subject to a divorce shall be included in the divorce certificate filed in the Office of Vital Statistics.

“(c) The social security number of both parties to the marriage shall be collected by those parties issuing a marriage license and shall appear on the license and certificate sent to the Office of Vital Statistics.

“(d) The Office of Vital Statistics shall collect the social security number of the deceased individual and place the number on the death certificate.

“(e) Any agency charged with the duty to record an individual’s social security number shall provide the individual’s social security number to the state Title IV-D agency at the agency’s request for the purpose of administering the child support program.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 11, 1999

Time: 4:03 P.M.

Act No. 99-441

H. 155 – Reps. Knight, Hooper,
Page, Dean, Jackson,
Rogers (J), Melton,
Newton (D),
Hall (L) and
Mancuso

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1999-2000 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies and that the following definitions shall be applicable.

“Appropriation Total” shall mean the aggregate total of all fund sources.

“Program” shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries, and shall be expended only for such purposes.

“Capital Outlay” shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

“Debt Service” shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

“Federal and Local Funds” shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for

capital outlay for the fiscal year ending September 30, 2000, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	General Fund	Earmarked Funds	Appropriation Total
2A. LEGISLATIVE BRANCH:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program.....			10,571,134
SOURCE OF FUNDS:			
(1) State General Fund.....	9,871,134		
(2) Federal and Local Funds ...		700,000	
Total Examiners of Public Accounts, Department of.....	9,871,134	700,000	10,571,134

The Department of Examiners of Public Accounts is hereby authorized to examine as deemed necessary all appropriations herein made for compliance with the laws of the State of Alabama. Any examination performed shall be in accordance with the provisions of Title 41, Chapter 5, Code of Alabama 1975.

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program	329,120
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SOURCE OF FUNDS:

(1) State General Fund.....	329,120	
Total Law Institute, Alabama ...	329,120	329,120

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program		307,371
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SOURCE OF FUNDS:

(1) State General Fund.....	307,371	
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.		
Total Legislative Council	307,371	307,371

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program		1,358,655
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SOURCE OF FUNDS:

(1) State General Fund	1,358,655	
Total Legislative Fiscal Office....	1,358,655	1,358,655

5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,887,984
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SOURCE OF FUNDS:

(1) State General Fund.....	1,887,984	
Total Legislative Reference Service	1,887,984	1,887,984

6. LEGISLATURE:

(a) Legislative Operations and Support Program		14,082,639
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The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975. It is the intent of the Legislature that (1) at least \$50,000 shall be allocated for each of the following: the Offices of the House Pro

Tempore, the House Rules Committee, House Majority Leader, House Ways and Means-General Fund Committee, House Ways and Means-Education Committee, the House Judiciary Committee; (2) at least \$25,000 shall be allocated for the House Minority Leader; (3) at least \$328,759 shall be allocated for the Office of the Clerk of the House; and (4) \$6,241 shall be allocated to the Permanent Municipal Government Committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975.

- (b) Transfer to the Office of the President Pro Tempore of the Senate

660,000

SOURCE OF FUNDS:

- (1) State General Fund..... 14,082,639

- (2) State General Fund - Transfer to the Office of the President Pro Tempore of the Senate

660,000

Total Legislature

14,742,639

14,742,639

7. OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

- (a) Legislative Operations and Support Program

497,500

In accordance with Act 97-658.

SOURCE OF FUNDS:

- (1) State General Fund.....

497,500

Total Office of the Speaker of the House of Representatives ..

497,500

497,500

8. OFFICE OF THE PRESIDENT PRO TEMPORE OF THE SENATE:

- (a) Legislative Operations and Support Program

660,000

It is the intent of the Legislature that of the above appropriation: (1) at least \$50,000 shall be allocated for each of the following: Senate Finance & Taxation-Education Committee, Senate Finance & Taxation-General Fund Committee, Senate Rules Committee, Senate Majority Leader, and Senate Judiciary Committee; (2) at least \$300,000 shall be allocated for the Senate Pro Tempore; (3) at least \$25,000 shall be allocated for each of the following: Senate Committee on Fiscal Responsibility and Senate Minority Leader; (4) at least \$20,000 shall be allocated for the Office of the Senate Finance & Taxation-General Fund Committee-Deputy Chair; and (5) at least \$10,000 shall be allocated for each of the following: the Office of the Senate Finance & Taxation-Education Committee-Deputy Chair, the Chair of the Senate Committee on Economic Expansion and Trade, the Senate Rules Committee-Deputy Chair, and the Senate Judiciary Committee-Deputy Chair.

SOURCE OF FUNDS:

(1) Transfer from Legislature...	660,000	
Total Office of the President Pro Tempore of the Senate.....	660,000	660,000

2B. JUDICIAL BRANCH

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program..	2,682,537
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,682,537</u>	
Total Court of Civil Appeals.....	<u>2,682,537</u>	<u>2,682,537</u>

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program ..		2,775,078
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,775,078</u>	
Total Court of Criminal Appeals	<u>2,775,078</u>	<u>2,775,078</u>

3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program		209,907
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>209,907</u>	
Total Judicial Inquiry Commission	<u>209,907</u>	<u>209,907</u>

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program		867,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated	<u>867,000</u>	
Total Judicial Retirement Fund	<u>867,000</u>	<u>867,000</u>

5. SUPREME COURT:

(a) Court Operations Program		6,214,642
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>6,214,642</u>	
Total Supreme Court	<u>6,214,642</u>	<u>6,214,642</u>

6. SUPREME COURT LIBRARY:

(a) Court Operations-Library Service Program.....		1,259,562
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SOURCE OF FUNDS:

(1) State General Fund.....	1,259,562	
Total Supreme Court Library	1,259,562	1,259,562

7. UNIFIED JUDICIAL SYSTEM:

(a) Court Operations Program.		87,388,986
(b) Administrative Services Program		3,561,314
Of the above appropriation, \$100,000 shall be expended for mediation training for judges.		
(c) DUI Referral Program.....		65,965
(d) Fringe Benefit Program, Estimated		545,000
(e) Court Equipment and Court Security Program		921,704
(f) Judicial Building Operations Program		3,981,711

SOURCE OF FUNDS:

(1) State General Fund	88,766,010	
(2) State General Fund Transfer-Juvenile Justice Coordinating Council	20,000	
In accordance with Section 12-15-131, Code of Alabama 1975.		
(3) State General Fund-Social Security-County Judicial, Estimated	545,000	
(4) Court Automation Fund.....		1,821,562
In accordance with Section 12-19-180, Code of Alabama 1975.		
(5) Court Referral Officer Fund		3,600,000
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.		

(6) Federal Funds	1,686,332
(7) Juvenile Justice Coordinating Council Fund.....	25,776

The above appropriation shall be allocated to Children's Hospital to conduct a pilot juvenile intervention program which shall receive referrals from the courts.

Total Unified Judicial System...	89,331,010	7,133,670	96,464,680
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2C. EXECUTIVE BRANCH:

1. ACADEMY OF HONOR:

(a) Historical Resources Management Program	4,493
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SOURCE OF FUNDS:

(1) State General Fund.....	4,493
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Academy of Honor.....	4,493	4,493
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program	670,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	670,000
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Accountancy, Alabama State Board of Public.....	670,000	670,000
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program....		756,100
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	747,700	
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For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975, and for payment of claims against voided warrants.

(2) State General Fund-Administrative Costs.....	8,400	
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As provided by Section 41-9-73, Code of Alabama 1975.

Total Adjustment, Board of....	756,100	756,100
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4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program		670,975
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(b) Airport Improvement Program, Estimated		300,000
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To be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautical facilities in the State of Alabama.

SOURCE OF FUNDS:

(1) Airports Development Fund-Aviation Fuel Tax.....	905,975	
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As provided by Section 4-2-42, Code of Alabama 1975.

(2) Airports Development Fund-Federal Funds.....	65,000	
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Total Aeronautics, Department of	970,975	970,975
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program	18,267,229
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Of the above appropriation, \$8,986 shall be allocated for the Silver-Haired Legislature.

(b) Economic Assistance Program	12,681,141
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SOURCE OF FUNDS:

(1) State General Fund.....	1,195,229		
(2) State General Fund-Medicaid Waiver.....	3,615,446		
(3) Federal and Local Funds		26,137,695	
Total Aging, Commission on ..	4,810,675	26,137,695	30,948,370

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on

Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	1,515,293
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,440,293	
(2) Alabama Agricultural and Conservation Development Commission Revolving Fund		75,000

As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	1,440,293	75,000	1,515,293
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION:

(a) Agricultural Development Services Program	31,496
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SOURCE OF FUNDS:

(1) State General Fund.....	31,496	
Total Agricultural and Industrial Exhibit Commission.....	31,496	31,496

8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program	1,182,127
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SOURCE OF FUNDS:

(1) State General Fund.....	158,631
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For expenses and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other

livestock shows and exhibits
and other activities.

(2) State General Fund- Livestock Coliseum.....	286,294		
(3) State General Fund- Operations.....	315,202		
(4) Livestock Coliseum Fund		422,000	
Total Agricultural Center Board	760,127	422,000	1,182,127

9. AGRICULTURAL MU- SEUM BOARD:

(a) Agricultural Promotional Program			121,311
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SOURCE OF FUNDS:

(1) State General Fund.....	121,311		
Total Agricultural Museum Board	121,311		121,311

It is the intent of the Leg-
islature that the appropria-
tion made hereinabove to
the Alabama Agricultural
Museum Board may be used
for Capital Outlay purposes
by the Board.

10. AGRICULTURE AND INDUSTRIES, DEPART- MENT OF:

(a) Administrative Services Program		2,778,522	
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Of the above appropriation,
\$112,325 shall be transferred
to the Alabama Aquaculture
Center in Gadsden; and
\$50,000 shall be expended
for the Blount/Oneonta Agri-
culture Center.

(b) Agricultural Inspection Services Program		13,460,060	
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Of the above appropriation,
\$1,347,900 shall be allocated
to the Boll Weevil Eradication

Program and \$134,790 shall be allocated for fire ant eradication/research at the Department of Entomology at Auburn University.

(c) Laboratory Analysis and Disease Control Program	5,331,648
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At least \$206,325 shall be utilized for the diagnostic laboratory in Hanceville, Alabama; and \$22,925 shall be allocated to Snead State Community College for a diagnostic laboratory.

(d) Animal Damage Control Program.....	150,000
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(e) Agricultural Development Services Program.....	996,721
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SOURCE OF FUNDS:

(1) State General Fund.....	10,425,954		
(2) Agricultural Fund		5,610,387	
(3) Egg Inspection Fund		5,000	
(4) Federal and Local Funds		2,074,613	
(5) Shipping Point Inspection Fund		4,600,997	

Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975.

Total Agriculture and Industries, Department of	<u>10,425,954</u>	<u>12,290,997</u>	<u>22,716,951</u>
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11. AIRPORT AUTHORITY, ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Program	64,347
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>64,347</u>	
Total Airport Authority, Alabama International	<u>64,347</u>	<u>64,347</u>

12. ALABAMA TRUST FUND
BOARD:

(a) Administrative Program.. 22,465

SOURCE OF FUNDS:

(1) State General Fund..... 22,465

Total Alabama Trust Fund Board..... 22,465 22,465

13. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALA-
BAMA:

(a) Product Management Pro-
gram 30,184,603

(b) Enforcement Program..... 7,654,790

(c) Administrative Services Pro-
gram..... 8,420,058

SOURCE OF FUNDS:

(1) State General Fund..... 179,720

(2) ABC Board Fund 46,079,731

Total Alcoholic Beverage Con-
trol Board, Alabama 179,720 46,079,731 46,259,451

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$10,205,000. The above transfer shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages. In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board.

There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the state shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

14. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program.....	281,500
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SOURCE OF FUNDS:

(1) Fund for the Board for Registration of Architects	281,500
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As provided in Section 34-2-41,
Code of Alabama 1975.

Total Architects, Board for Registration of	281,500	281,500
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15. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....	2,768,695
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Of the above appropriation,
\$25,000 shall be allocated
for the Alabama Review.

SOURCE OF FUNDS:

(1) State General Fund.....	2,652,695
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(2) Archives Historical Collections Fund	1,000
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In accordance with Section 41-6-71, Code of Alabama 1975.

(3) Archives Services Fund....	115,000
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In accordance with Section
41-6-76, Code of Alabama
1975.

Total Archives and History, Department of	2,652,695	116,000	2,768,695
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16. ATHLETE AGENT REGULATORY COMMISSION:

(a) Professional and Occupational Licensing and Regulation Program.....	52,450
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SOURCE OF FUNDS:

(1) Athlete Agent Regulatory Commission Fund	52,450
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As provided in Section 8-26-17,
Code of Alabama 1975.

Total Athlete Agent Regulatory Commission	52,450	52,450
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17. ATHLETIC TRAINERS,
ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	39,645
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SOURCE OF FUNDS:

(1) Alabama Athletic Trainers Fund	39,645
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As provided in Section
34-40-14, Code of Alabama
1975.

Total Athletic Trainers, Alabama Board of.....	39,645	39,645
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18. ATTORNEY GENERAL,
OFFICE OF THE:

(a) Legal Advice and Legal Services Program	9,596,787
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(b) Fair Marketing Practices Program	673,136
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SOURCE OF FUNDS:

(1) State General Fund.....	7,377,540
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(2) State General Fund-Consumer Protection.....	673,136
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(3) State General Fund-Consumer Utility Rate Hearing ...	250,000
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(4) Federal Funds	1,119,247
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(5) Miscellaneous Receipts ...	850,000
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Total Attorney General, Office of the.....	8,300,676	1,969,247	10,269,923
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19. AUCTIONEERS, ALA-
BAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	100,000
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SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund	100,000	
Total Auctioneers, Alabama State Board of	100,000	100,000

20. AUDITOR, STATE:

(a) Fiscal Management Program		743,065
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SOURCE OF FUNDS:

(1) State General Fund.....	743,065	
Total Auditor, State.....	743,065	743,065

21. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program		6,763,780
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SOURCE OF FUNDS:

(1) Banking Assessment Fees...	5,750,972	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund....	1,012,808	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total Banking Department, State	6,763,780	6,763,780

22. BAR ASSOCIATION, ALABAMA STATE:

(a) Professional and Occupational Licensing and Regulation Program		3,598,996
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SOURCE OF FUNDS:

(1) Federal and Local Funds...	367,100	
As provided in Sections 34-3-17 and 34-3-18, Code of Alabama 1975.		
(2) State Bar Association Fund...	3,231,896	

As provided in Sections
34-3-4 and 34-3-44, Code of
Alabama 1975.

Total Bar Association, Ala- bama State	3,598,996	3,598,996
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**23. BEAR CREEK DEVELOP-
MENT AUTHORITY:**

(a) Water Resource Develop- ment Program	34,353
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SOURCE OF FUNDS:

(1) State General Fund	34,353
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Total Bear Creek Development Authority	34,353	34,353
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**24. BUILDING COMMIS-
SION, STATE:**

(a) Special Services Program	1,230,519
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SOURCE OF FUNDS:

(1) State General Fund	216,431
(2) Miscellaneous Funds	1,014,088

Total Building Commission, State	216,431	1,014,088	1,230,519
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**25. BUILDING RENOVA-
TION FINANCE AUTHOR-
ITY, ALABAMA:**

(a) Administrative Support Services Program	8,904,026
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SOURCE OF FUNDS:

(1) State General Fund- Transfer	1,341,169
(2) Departmental Receipts, Estimated	7,562,857

Total Building Renovation Fi- nance Authority, Alabama	1,341,169	7,562,857	8,904,026
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**26. BUSKEY MATCHING
FUNDS - PENNY TRUST
FUND:**

(a) Special Services Program, Estimated	89,859
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SOURCE OF FUNDS:

(1) State General Fund - Transfer.....	89,859	
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In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Matching Funds - Penny Trust Fund.....	89,859	89,859
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27. CAHAWBA ADVISORY
COMMITTEE:

(a) Historical Resources Man- agement Program		181,456
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SOURCE OF FUNDS:

(1) State General Fund.....	181,456	
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Total Cahawba Advisory Com- mittee.....	181,456	181,456
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28. CHILD ABUSE AND
NEGLECT PREVENTION
BOARD:

(a) Social Services Program ...		4,004,000
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In accordance with Sections
26-16-1 et seq., Code of Ala-
bama 1975.

SOURCE OF FUNDS:

(1) Children's Trust Fund, Esti- mated	4,004,000	
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Total Child Abuse and Neglect Prevention Board	4,004,000	4,004,000
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29. CHILDREN'S SERVICES
FACILITATION TEAM:

(a) Human Services Program ...		114,327
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SOURCE OF FUNDS:

(1) Departmental Receipts	114,327	
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As provided in Section
12-15-174, Code of Alabama
1975.

Total Children's Services Facil- itation Team.....	114,327	114,327
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30. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	206,550
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund	206,550
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As provided in Section 34-24-143, Code of Alabama 1975.

Total Chiropractic Examiners, Alabama State Board of.....	206,550	206,550
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31. CHOCOLOCCK CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program	17,759
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SOURCE OF FUNDS:

(1) State General Fund.....	17,759
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Total Choccolocco Creek Watershed Conservancy District	17,759	17,759
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32. CHOCTAWHATCHEE, PEA AND YELLOW RIVERS WATERSHED MANAGEMENT AUTHORITY:

(a) Water Resource Development Program	223,450
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SOURCE OF FUNDS:

(1) State General Fund.....	223,450
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Total Choctawhatchee, Pea and Yellow Rivers Watershed Management Authority.....	223,450	223,450
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33. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program	3,630,355
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(b) Outdoor Recreation Sites and Services Program	31,194,831
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Of the above appropriation,
\$50,000 shall be allocated
for operation, maintenance
and/or construction of urban
recreation facilities in Jef-
ferson County.

(c) Marine Police Program	6,444,905
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(d) Wildlife Game and Fish Program	22,565,048
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(e) Marine Resources Program ..	4,073,475
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(f) Administrative Services Program	4,816,743
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(g) Capital Outlay Program...	11,312,656
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The appropriation to the De-
partment of Conservation and
Natural Resources shall in-
clude Alabama's pro rata
share of the Gulf States Ma-
rine Fisheries Commission
operation expenses. The ap-
propriation to the Department
of Conservation and Natural
Resources includes funds for
the maintenance, staff and
repair of the Governor's of-
ficial beach mansion.

SOURCE OF FUNDS:

(1) State General Fund - Transfer	277,630
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To implement the provisions
of Federal Regulation
50CFR 80.4 (a) (3).

(2) State General Fund- Transfer to State Parks	50,000
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(3) Administrative Funds	4,816,743
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(4) Forever Wild Trust Fund - Transfer	225,000
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The funds hereinabove appro-
priated shall be payable as

provided in Sections 9-2-1 et seq., Code of Alabama 1975.

(5) Game and Fish Fund - Federal and Local Funds	7,240,000
(6) Game and Fish Fund - Licenses, Fines, Fees, Interest Income and Other Departmental Receipts	5,525,857
(7) Marine Police Fund - Federal and Local Funds.....	900,000
(8) Marine Police Fund - Licenses, Fines, Taxes and Other Departmental Receipts	5,544,905
(9) Marine Resources Fund - Federal and Local	2,404,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and shall be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(10) Marine Resources Fund - Licenses, Taxes, Fines and Other Departmental Receipts..	2,041,036
(11) Parks Revolving Fund, Estimated.....	26,922,626
(12) State Lands Fund	4,405,355
(13) State Parks Fund	222,205
(14) State Parks Fund - Act 96-785	9,462,656
(15) State Parks Fund - Cigarette Tax.....	4,000,000

Total Conservation and Natural Resources, Department of.....	327,630	83,710,383	84,038,013
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34. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program			1,218,000
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund....	1,218,000		
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total Contractors, State Licensing Board for General.....	1,218,000	1,218,000	
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35. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program			10,498,172
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(b) Institutional Services Corrections Program.....			174,543,008
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Of the above appropriation, \$15,000 shall be expended at J.F. Ingram State Technical College for capital outlay and equipment.

(c) Correctional Agricultural and Industries Program			19,097,159
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The Department of Corrections shall not utilize any portion of

its State General Fund appropriation to support the Correctional Agricultural and Industries Program.

(c) Capital Outlay Program 2,660,000

SOURCE OF FUNDS:

(1) State General Fund.....	156,367,284
(2) Correctional Agricultural Fund	3,541,511
(3) Corrections Industries-Other	16,844,076

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(4) DOC Miscellaneous	15,377,883
(5) DOC Work Release	10,500,000
(6) Department of Corrections Industries Tag Revenue	2,365,083
(7) Drug Demand Reduction Fund	360,500

In accordance with Section 13A-12-283, Code of Alabama 1975.

(8) Federal Funds - Drug Demand	1,442,002
---------------------------------------	-----------

Total Corrections, Department of.....	156,367,284	50,431,055	206,798,339
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36. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	500,000
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	500,000
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Cosmetology, Alabama Board of	500,000	500,000
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In addition to the above appropriation, there is hereby conditionally appropriated \$250,000 to the Alabama Board of Cosmetology from the Alabama Board of Cosmetology Fund, to be conditioned upon the availability of funds in the Alabama Board of Cosmetology Fund, the recommendation of the Director of Finance, and the approval of the Governor.

37. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	314,655
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	314,655
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Counseling, Alabama Board of Examiners in	314,655	314,655
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38. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program			
			747,885

SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund			
		747,885	

As provided in Section 5-17-7, Code of Alabama 1975.

Total Credit Union Administration, Alabama		747,885	747,885
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39. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated			
			1,524,350

SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated			
		1,524,350	

To be expended in accordance with Sections 15-23-1 through 15-23-23, Code of Alabama 1975.

Total Crime Victims Compensation Commission, Alabama		1,524,350	1,524,350
--	--	-----------	-----------

40. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program			
			5,829,608

SOURCE OF FUNDS:

(1) State General Fund	2,297,400		
(2) CJIS Automation Fund		1,500,000	
(3) Federal and Local Funds ...		2,030,208	
(4) Miscellaneous Receipts		2,000	

Total Criminal Justice Information Center, Alabama	2,297,400	3,532,208	5,829,608
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41. DAIRY COMPACT COMMISSION, SOUTHERN:

(a) Agricultural Development Service Program	22,465
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SOURCE OF FUNDS:

(1) State General Fund.....	22,465	
Total Dairy Compact Commission, Southern	22,465	22,465

42. DEBT SERVICE:

(a) General Obligation Waterway Refunding Bonds, Series 1992, Estimated	3,003,885
---	-----------

(b) Corrections Institutions Bonds, Estimated	1,060,000
---	-----------

Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.

(c) General Obligation Capital Bonds, 1990 Series, Estimated.....	1,903,450
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Pursuant to Constitutional Amendment No. 510 as provided for in Act 89-799, 1989 Regular Session.

(d) General Obligation Refunding Bonds, 1992, Series A and B, Estimated	18,861,065
---	------------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	24,828,400	
Total Debt Service	24,828,400	24,828,400

43. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....	244,750
--	---------

(b) Industrial Development Program-Alabama Development Office.....	3,717,730
--	-----------

Of the above appropriation, \$449,300 shall be allocated for the state's commitment to the joint advertising effort for the State of Alabama and Mercedes Benz USI.

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office..	3,617,730		
(2) State General Fund-Alabama Film Commission.....	244,750		
(3) Departmental Receipts ...		100,000	
Total Development Office, Alabama	3,862,480	100,000	3,962,480

44. DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program			90,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund		90,000	
As provided in Section 34-34A-8, Code of Alabama 1975.			
Total Dietetics/Nutrition Practice, Alabama State Board of Examiners for		90,000	90,000

45. DISTRICT ATTORNEYS:

(a) Court Operations Program			18,454,620
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The proposed spending plan included in the above total is as follows:

For use in the District Attorney's Office of the following Judicial Circuits:

1st Judicial Circuit	192,006
2nd Judicial Circuit ...	195,576
3rd Judicial Circuit....	274,219
4th Judicial Circuit....	503,137
5th Judicial Circuit....	473,585
6th Judicial Circuit....	477,095
7th Judicial Circuit....	364,915
8th Judicial Circuit....	248,669
9th Judicial Circuit....	236,424
10th Judicial Circuit..	691,255
11th Judicial Circuit..	192,767
12th Judicial Circuit..	403,597
13th Judicial Circuit..	536,168
14th Judicial Circuit..	232,411
15th Judicial Circuit..	585,861
16th Judicial Circuit..	333,900
17th Judicial Circuit..	203,581
18th Judicial Circuit..	485,028
19th Judicial Circuit..	299,497
20th Judicial Circuit..	361,521
21st Judicial Circuit ..	234,683
22nd Judicial Circuit ..	254,778
23rd Judicial Circuit..	557,878
24th Judicial Circuit..	206,641
25th Judicial Circuit..	220,936
26th Judicial Circuit..	326,419
27th Judicial Circuit..	266,645
28th Judicial Circuit..	346,735
29th Judicial Circuit..	363,636
30th Judicial Circuit..	288,300
31st Judicial Circuit ..	183,933
32nd Judicial Circuit ..	257,227
33rd Judicial Circuit..	211,324
34th Judicial Circuit..	155,190
35th Judicial Circuit..	217,747

36th Judicial Circuit..146,491
 37th Judicial Circuit..276,569
 38th Judicial Circuit..233,385
 39th Judicial Circuit..198,347
 40th Judicial Circuit..162,018
 Travel Expenses of District
 Attorneys.....60,176
 Salaries of District Attor-
 neys3,949,951
 For the use of the elected Assis-
 tant District Attorney of the
 Bessemer Division of the 10th
 Judicial Circuit171,000
 Salaries and Expenses of
 Supernumerary District
 Attorneys1,873,399

SOURCE OF FUNDS:

(1) State General Fund.....	18,454,620	
Total District Attorneys	18,454,620	18,454,620

46. ECONOMIC AND COM- MUNITY AFFAIRS, ALA- BAMA DEPARTMENT OF:

(a) Administrative Support Program	7,932,450
(b) Planning Program	86,887,921

Of the above appropriation, at
 least \$539,160 shall be spent
 for the Regional Planning
 Commissions; at least
 \$22,465 shall be spent for
 the Gadsden Cultural Arts
 Center for Basil Gilchrist
 Memorial Gardens; and
 \$482,548 shall be expended
 by the Small Business De-
 velopment Consortium. At
 least \$718,880 of the appro-
 priation shall be distributed
 as a pass-through grant to
 the Community Action As-
 sociation of Alabama which

shall distribute said funds to the (24) recognized community action administering agencies provided for in Sections 11-96-1 through 11-96-6, Code of Alabama 1975, based on their populations below the poverty level; the Association shall not expend more than 10 percent of said funds for administrative expenses; \$71,888 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties; and \$71,888 shall be allocated to the Food Assistance Program through the Community Action Agencies of Winston and Marion Counties. It is the intent of the Legislature that the above allocations to the Community Action Agencies shall be in addition to all federal funds to which those agencies are normally entitled. In addition, it is the intent of the Legislature that federal funds due to the Community Action Agencies shall be allocated to the agencies within 30 days following the approval of contracts between the agencies and ADECA

(c) Skills Enhancement and Employment Opportunities Program	63,331,732
(d) Energy Management Program	5,461,932
(e) Law Enforcement Planning Program	28,036,234
(f) Surplus Property Program...	6,215,357

(g) PALS/Adopt-a-Mile Program	150,000
(h) Economic Development Regional Revolving Loan Policy Committee.....	250,000
To be utilized pursuant to Section 41-23-50 Code of Alabama 1975.	
(i) Water Resources Program ...	2,096,923

Of the above appropriation to the Water Resources Program, \$44,930 shall be allotted for the Alabama Coosa Tallapoosa River Water Basin Compact and the Appalachian Chattahoochee Flynt River Water Basin Compact and \$45,850 shall be allotted for the Tennessee River Valley Association in Decatur.

SOURCE OF FUNDS:

(1) State General Fund.....	15,511,942		
(2) Administrative Transfers and Other Departmental Receipts		7,515,500	
(3) Administrative Transfers from Federal-Donated Surplus Property Sales, Estimated		5,445,716	
(4) Administrative Transfers from State-Owned Surplus Property Sales, Estimated		367,000	
(5) Federal and Local Funds ...	170,706,366		
(6) Neighbors Helping Neighbors Fund		25,000	
(7) Traffic Safety Trust Fund ...		791,025	
Total Economic and Community Affairs, Alabama Department of	15,511,942	184,850,607	200,362,549

The Director of the Alabama Department of Economic and Community Affairs shall report

to the Chairs of the House Ways and Means-General Fund Committee and the Senate Finance and Taxation-General Fund Committee and the Legislative Fiscal Officer all funds and grants expended specifically in rural areas of the state and/or areas with high unemployment and low personal income levels. Such report shall detail the amount of funds available in each program and the amount of funds expended in these targeted areas.

47. ELECTRICAL CONTRACTORS, BOARD OF:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 325,000 |
|--|---------|

SOURCE OF FUNDS:

- | | |
|--|---------|
| (1) Alabama Board of Electrical Contractors Fund | 325,000 |
|--|---------|

As provided in Section 34-36-17, Code of Alabama 1975.

Total Electrical Contractors, Board of	325,000	<u>325,000</u>
--	---------	----------------

48. ELECTRONIC SECURITY BOARD OF LICENSURE, ALABAMA:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 185,000 |
|--|---------|

SOURCE OF FUNDS:

- | | |
|---|---------|
| (1) Alabama Electronic Security Board of Licensure Fund | 185,000 |
|---|---------|

Total Electronic Security Board of Licensure, Alabama.....	185,000	<u>185,000</u>
--	---------	----------------

49. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program	18,861
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SOURCE OF FUNDS:

(1) State General Fund.....	18,861	
Total Elk River Development Agency	18,861	18,861

50. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program	27,946,682
--	------------

Of the above appropriation, \$75,000 shall be allocated for early warning sirens.

(b) Transfer to County Emergency Management Agencies..	276,675
--	---------

The above appropriation of \$276,675 is in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,188,386	
(2) Federal and Local Funds ...	27,034,971	
Total Emergency Management Agency	1,188,386	27,034,971
		28,223,357

51. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program	19,330
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SOURCE OF FUNDS:

(1) State General Fund.....	19,330	
Total Energy Board, Southern States	19,330	19,330

52. ENGINEERS AND LAND
SURVEYORS, STATE BOARD
OF REGISTRATION FOR
PROFESSIONAL:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 870,334 |
|--|---------|

SOURCE OF FUNDS:

- | | |
|---------------------------------------|---------|
| (1) Professional Engineers Fund | 870,334 |
|---------------------------------------|---------|

As provided in Section
34-11-36, Code of Alabama
1975.

Total Engineers and Land Surveyors, State Board of Registration for Professional	870,334	870,334
--	---------	---------

53. ENVIRONMENTAL MAN-
AGEMENT, DEPARTMENT
OF:

- | | |
|--|------------|
| (a) Environmental Management Program | 65,484,697 |
|--|------------|

Of the above appropriation,
\$350,000 shall be expended
for the Concentrated Animal
Feeding Operations (CAFO)
Program.

SOURCE OF FUNDS:

- | | |
|---|-----------|
| (1) State General Fund - Transfer | 4,026,824 |
| (2) State General Fund - Transfer to Hazardous Substance Cleanup Fund | 36,042 |

In accordance with Sections
22-30A-3 through 22-30A-11,
Code of Alabama 1975.

- | | |
|--|---------|
| (3) State General Fund - Transfer to Water Pollution Control Authority | 725,335 |
| (4) Environmental Education Fund | 890,000 |

In accordance with Section 32-6-156.1, Code of Alabama 1975. To be expended through Legacy, Inc., only.

(5) Environmental Management Fines and Fees	15,020,558
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As provided in Section 22-22A-11, Code of Alabama 1975.

(6) Federal Funds	20,022,295
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(7) Federal Match - Water Pollution Control Authority	11,000,000
---	------------

(8) Hazardous Substance Cleanup Fund	312,005
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In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.

(9) SRF Administrative Fees....	2,041,638
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In accordance with Section 22-34-3, Code of Alabama 1975.

(10) Transfer from Underground and Aboveground Storage Tank Trust Fund	705,000
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As provided in Section 22-35-9, Code of Alabama 1975.

(11) Underground and Aboveground Storage Tank Trust Fund	10,705,000
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As provided in Section 22-35-5, Code of Alabama 1975.

Total Environmental Management, Department of	4,788,201	60,696,496	65,484,697
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54. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program....	869,084
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SOURCE OF FUNDS:

(1) State General Fund.....	869,084	
Total Ethics Commission, Alabama	869,084	869,084

55. FARMERS' MARKET
AUTHORITY:

(a) Agricultural Development Services Program		221,889
(b) Capital Outlay Program		425,000

SOURCE OF FUNDS:

(1) State General Fund.....	546,889		
(2) Farmers' Market Author- ity Fund		100,000	
Total Farmers' Market Author- ity	546,889	100,000	646,889

56. FINANCE, DEPART-
MENT OF:

(a) Fiscal Management Pro- gram		7,289,514
(b) Administrative Support Services Program		64,954,125

SOURCE OF FUNDS:

(1) State General Fund.....	8,820,207		
(2) Accounting and Adminis- tration Fund		2,013,989	
(3) Capitol Complex Revolv- ing Fund		8,486,279	
(4) Data Center Revolving Fund		30,965,556	
(5) Employee Injury Compens- ation Trust Fund - Admin- istration		811,209	

As provided in Sections
96-29A-1, et seq., Code of
Alabama 1975.

(6) General Liability Trust Fund - Administration		795,894	
--	--	---------	--

As provided in Sections 36-1-6.1,
et seq., Code of Alabama 1975.

(7) Mail and Supply Revolving Fund	8,197,037
(8) Miscellaneous Funds, Estimated	234,000
(9) Motor Pool Revolving Fund	2,327,570
(10) Printing and Publications Revolving Fund	8,154,291
(11) State Insurance Fund - Administration	1,437,607

As provided in Sections 41-15-1, et seq., Code of Alabama 1975.

Total Finance, Department of....	8,820,207	63,423,432	72,243,639
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57. FINANCE, DEPARTMENT OF - TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	22,160,745
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,141,401		
(2) Telephone Revolving Fund, Estimated		21,019,344	

Total Finance, Department of - Telephone Revolving Fund	1,141,401	21,019,344	22,160,745
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58. FLEXIBLE EMPLOYEES BENEFIT BOARD:

(a) Employee Benefits Program, Estimated	410,270
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In accordance with Sections 36-29-20 through 36-29-30, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) Flexible Employees Benefit Board Fund, Estimated	410,270		
Total Flexible Employees Benefit Board		410,270	410,270

59. FOREIGN TRADE RE-
LATIONS COMMISSION:

(a) Special Services Program.... 91,547

SOURCE OF FUNDS:

(1) State General Fund.....	91,547		
<hr/>			
Total Foreign Trade Relations Commission	91,547		91,547
<hr/>			

60. FORENSIC SCIENCES,
DEPARTMENT OF:

(a) Forensic Science Services
Program 13,458,945

SOURCE OF FUNDS:

(1) State General Fund	6,493,321		
(2) Chemical Test Fund		2,240,000	
As provided in Sections 36-18-51 and 32-5A-191, Code of Alabama 1975.			
(3) DNA Fund.....		2,539,423	
(4) Federal and Local Funds ...		690,935	
(5) Forensic Services Fund....		1,490,684	
As provided in Sections 36-18-6 through 36-18-8, Code of Alabama 1975.			
(6) Forfeited Assets Fund		4,582	
<hr/>			
Total Forensic Sciences, De- partment of	6,493,321	6,965,624	13,458,945
<hr/>			

61. FORESTERS, ALABAMA
STATE BOARD OF REGIS-
TRATION FOR:

(a) Professional and Occupa-
tional Licensing and Regula-
tion Program 136,000

SOURCE OF FUNDS:

(1) Professional Foresters Fund	136,000
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As provided in Section
34-12-36, Code of Alabama
1975.

Total Foresters, Alabama State Board of Registration for	136,000	136,000
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62. FORESTRY COMMISSION, ALABAMA:

(a) Forest Resources Protection and Development Program.....	25,364,151
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Of the above appropriation, \$25,000 shall be allocated to the Rural Community Fire Protection Institute.

(b) Capital Outlay Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund - Transfer	11,024,157		
(2) Federal and Local Funds....	3,423,744		
(3) Forest Stewardship Education Fund	500,000		
(4) Forestry Commission Fund...	10,596,250		
Total Forestry Commission, Alabama	11,024,157	14,519,994	25,544,151

Of the above appropriation to the Alabama Forestry Commission, \$2,076,680 shall be used for rural and community fire protection. All monies received by the Forestry Commission for Volunteer Fire Departments or Rural Fire Protection, from whatever source, must be used for those purposes and an accounting of same shall be filed with both houses of the Legislature before the third legislative day of each regular session. A plan to notify legislators of the funds to be granted to the Volunteer Fire Departments, prior to the distribution of such funds, shall also

be filed with both houses of the Legislature.

63. FOREVER WILD LAND TRUST, BOARD OF:

(a) Capital Outlay Program ..	8,463,473
(b) Administration Program..	3,849,190

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account, in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund	12,212,663	
(2) Forever Wild Land Trust Stewardship Account, Estimated	100,000	
Total Forever Wild Land Trust, Board of.....	12,312,663	12,312,663

The above appropriation is in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

64. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	177,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	177,000	
As provided in Section 34-13-23, Code of Alabama 1975.		
Total Funeral Service, Alabama Board of	177,000	177,000

65. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program			3,082,944
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SOURCE OF FUNDS:

(1) State General Fund	1,932,555		
(2) Federal and Local Funds....		1,150,389	
Total Geological Survey	1,932,555	1,150,389	3,082,944

66. GEOLOGISTS, ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program			125,000
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SOURCE OF FUNDS:

(1) Alabama Board of Licensure for Professional Geologists Fund.....		125,000	
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As provided in Section 34-41-6, Code of Alabama 1975.

Total Geologists, Alabama Board of Licensure for Professional		125,000	125,000
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67. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....			3,150
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SOURCE OF FUNDS:

(1) State General Fund.....	3,150		
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board ...	3,150		3,150
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68. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program ...			348,208
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SOURCE OF FUNDS:

(1) State General Fund	348,208	
Total Governor's Contingency Fund	348,208	348,208

69. GOVERNOR'S MANSION:

(a) Executive Direction Program		371,778
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SOURCE OF FUNDS:

(1) State General Fund	371,778	
Total Governor's Mansion	371,778	371,778

70. GOVERNOR'S MANSION
ADVISORY BOARD:

(a) Historical Resources Management Program		6,200
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SOURCE OF FUNDS:

(1) Governor's Mansion Advisory Board Fund	6,200	
Total Governor's Mansion Advisory Board	6,200	6,200

71. GOVERNOR'S OFFICE:

(a) Executive Direction Program		2,610,912
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SOURCE OF FUNDS:

(1) State General Fund	2,610,912	
Total Governor's Office	2,610,912	2,610,912

72. GOVERNOR'S OFFICE
ON DISABILITY:

(a) Executive Direction Program		150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
Total Governor's Office on Disability	150,000	150,000

73. HEALTH, DEPARTMENT
OF PUBLIC:

(a) Personal Health Services Program		152,106,376
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(b) Health Support Services
Program.....

177,595,865

Of the above appropriation, \$100,000 shall be expended for the vaccination against Hepatitis B of all children enrolled in the fifth grade who are not eligible for the federal vaccines for children programs or not covered for such vaccination by private insurance. Such vaccinations shall be administered statewide by public school nurses in the respective school districts at such times as will accomplish a complete program of vaccination prior to the end of the 1999-2000 school year. Of the amount appropriated to support local health department services, \$4,500,000 shall be used to provide a minimum staff in each of the 67 counties and the remainder shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services
Program

22,605,411

Of the above appropriation, \$100,000 shall be expended as a pass through grant for water and wastewater training at the Alabama Water and Wastewater Institute for water and wastewater operators training and/or educational seminar; \$100,000 shall be expended for the American Sports Medicine Institute; and \$10,000 shall be allocated for the Phenix

Regional Hospital in Phenix
City for sickle cell research.

(d) Abstinence Education Programs	300,000
(e) Children's Health Insurance Program	67,300,000

SOURCE OF FUNDS:

(1) State General Fund.....	39,711,175
(2) State General Fund - CHIP Program	9,000,000
(3) Alabama Legacy for Environmental Research Trust Fund	1,000,000

As provided in Section 22-30B-19, Code of Alabama 1975.

(4) Cigarette Tax-\$0.01 and \$0.02	1,661,199
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As provided in Sections 40-25-2 and 40-25-23, Code of Alabama 1975.

(5) Emergency Medical Services Fund	90,000
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As provided in Section 22-18-4, Code of Alabama 1975.

(6) Federal Funds	206,821,732
(7) Health-Medicaid Fund.....	29,245,737
(8) Hospital Licensing Fund	713,494
(9) Local Health Departments..	104,290,931
(10) Milk Processing Fee	51,483

In accordance with Sections 20-1-140 through 20-1-146, Code of Alabama 1975.

(11) Miscellaneous Funds.....	23,062,495
(12) Radiation Safety Fund ..	846,465
(13) Vital Statistics Fund	3,412,941

Total Health, Department of Public	48,711,175	371,196,477	419,907,652
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Of the above appropriation to the Department of Public Health, at least \$898,600 shall be spent on perinatal activities. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

74. HEALTH PLANNING AGENCY, STATE:

(a) Health Planning Development and Regulation Program	1,183,004
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SOURCE OF FUNDS:

(1) Certificate of Need Fees...	733,004	
(2) Departmental Receipts	450,000	
Total Health Planning Agency, State	1,183,004	1,183,004

75. HEARING INSTRUMENT DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	54,000
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SOURCE OF FUNDS:

(1) Hearing Instrument Dealers Fund	54,000
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As provided in Section 34-14-33, Code of Alabama 1975

Total Hearing Instrument Dealers, Alabama Board of	54,000	54,000
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**76. HEATING AND AIR
CONDITIONING CON-
TRACTORS, BOARD OF:**

(a) Professional and Occupa- tional Licensing and Regula- tion Program	492,500
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SOURCE OF FUNDS:

(1) Heating and Air Cond- itioning Contractors Fund....	492,500
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As provided in Sections
34-31-18 through 34-31-34,
Code of Alabama 1975.

Total Heating and Air Condi- tioning Contractors, Board of	492,500	492,500
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**77. HERITAGE TRUST
FUND, ALABAMA:**

(a) Fiscal Management Pro- gram	20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Fund In- come.....	20,000
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Total Heritage Trust Fund, Alabama	20,000	20,000
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**78. HISTORIC BLAKELEY
AUTHORITY:**

(a) Historical Resources Man- agement Program	336,975
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SOURCE OF FUNDS:

(1) State General Fund	336,975
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Total Historic Blakeley Author- ity.....	336,975	336,975
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**79. HISTORIC CHATTA-
HOOCHEE COMMISSION:**

(a) Historical Resources Man- agement Program.....	131,197
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SOURCE OF FUNDS:

(1) State General Fund	131,197
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Total Historic Chattahoochee Commission.....	131,197	131,197
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80. HISTORIC IRONWORKS COMMISSION, ALABAMA:

(a) Historical Resources Management Program		346,911
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SOURCE OF FUNDS:

(1) State General Fund.....	346,911	
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Total Historic Ironworks Commission, Alabama	346,911	346,911
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81. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program		6,882,379
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	3,461,714	
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The above appropriation shall be distributed as follows:

Historical Commission, Alabama.....	1,578,284
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Historical Commission, Alabama-LaGrange	35,000
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Historical Commission, Alabama-Helen Keller's Birthplace.....	44,930
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Historical Commission, Alabama-Fort Payne, Bridgeport and Stevenson Historical Depots/Museums.....	53,916
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Historical Commission, Alabama-Magnolia Grove	24,374
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Historical Commission, Alabama-Houston Library, Athens	26,958
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Historical Commission, Alabama-Governor's Mansion and State Capitol	916,245
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Historical Commission, Alabama-Fort Morgan...	116,097
Historical Commission, Alabama-Joe Wheeler House.....	31,451
Historical Commission, Alabama-Fort Toulouse	114,572
Historical Commission, Alabama-John T. Morgan House, Selma	7,351
Historical Commission, Alabama-Cahawba....	112,325
The administrative fee charged by the Alabama Historical Commission to the Cahawba Account shall not exceed 3% of the above amount.	
Historical Commission, Alabama-Gaineswood...	47,624
Historical Commission, Alabama-Fendall Hall..	125,804
Historical Commission, Alabama-Hank Williams Museum, Montgomery..	44,930
Historical Commission, Alabama-City of Luverne Historical Development Project	25,000
Historical Commission, Alabama-Hank Williams Museum, Georgianna ...	37,500
Historical Commission, Alabama-Museum of the City of Mobile	44,930
Historical Commission, Alabama-Monroeville To Kill a Mockingbird Project	22,465
Historical Commission, Alabama-Aliceville Prisoner of War Museum	8,986

Historical Commission,
Alabama-Childersburg
Heritage Foundation ...25,000

Historical Commission,
Alabama-Donnell
House.....17,972

(2) Alabama State Historical
Preservation Fund - Depart-
mental Receipts 2,477,896

(3) Federal and Local Funds ... 600,000

(4) Soldiers Fund 342,769

As provided in Section 40-8-3,
Code of Alabama 1975.

Total Historical Commission, Alabama.....	3,461,714	3,420,665	6,882,379
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82. HOME BUILDERS LI- CENSURE BOARD:

(a) Professional and Occupa-
tional Licensing and Regula-
tion Program 1,534,700

SOURCE OF FUNDS:

(1) Home Builders Licensure
Board Fund 1,084,700

In accordance with Sections
34-14A-1 through 34-14A-17,
Code of Alabama 1975.

(2) Home Builders Licensure
Board Recovery Fund 450,000

Total Home Builders Licensure Board	1,534,700	1,534,700
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83. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program .. 813,933,909

Of the above appropriation,
\$89,860 shall be allocated for
Brantwood Children's Home in
Montgomery and \$10,000 shall
be allocated for the Lee County
Youth Development Center. It
is the intent of the Legislature

that the Department provide adequate funding for therapeutic foster care and residential care facilities. Of the above appropriation, at least \$2,156,640 shall be expended for Before and After School Care programs; at least \$6,290,200 shall be expended for therapeutic foster care; and at least \$269,580 shall be expended for Adult Day Care at the Family Guidance Center. It is the intent of the Legislature that \$553,354 shall be used for matching federal funds available to the State for the welfare to work program. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000-\$3,500; county populations less than 50,000-\$2,000. Child care providers shall be reimbursed for child care services at their published rate for the particular category of care or at the 75th percentile of the local market rate, whichever is less. The local market rate shall be established on an annual basis based on a representative sample of licensed child care providers.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	55,608,894
(2) Beer Tax, Estimated	9,800,000
(3) Child Support Collections, estimated.....	10,052,000
(4) Child Support Interest and Fees	1,000,000

(5) Cigarette Tax, Estimated ...	4,000,000
(6) Contractor's Gross Receipts Tax, Estimated	2,700,000
(7) Federal and Local Funds ..	666,941,515
(8) Foster Care Trust Fund	100,000
(9) Miscellaneous Receipts, Estimated	1,700,000
(10) Pension Residue	20,773,500
(11) Sales Tax.....	1,322,000
(12) Sales Tax for Food Stamps, Estimated	16,236,000

In accordance with Section 40-23-35, Code of Alabama 1975.

(13) Sales Tax for Foster Care..	1,000,000
(14) Whiskey Tax, Estimated ...	22,700,000

Total Human Resources, Department of	55,608,894	758,325,015	813,933,909
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84. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program...	242,194
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	185,194		
(2) Federal and Local Funds....		57,000	
Total Indian Affairs Commission, Alabama	185,194	57,000	242,194

85. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program.....	350,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	350,000
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Total Industrial Development Authority, State	350,000	350,000
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86. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Employment Security Program.....	47,792,225
(b) Industrial Safety and Accident Prevention Program	6,154,822
(c) Administrative Services Program	16,008,105
(c) Workers' Compensation Program	5,205,988

SOURCE OF FUNDS:

(1) State General Fund.....	658,548
(2) Federal and Local Funds ...	74,502,592

Total Industrial Relations, Department of.....	658,548	74,502,592	75,161,140
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87. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program.....	1,781,226
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund ...	1,781,226
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Total Insurance Board, State Employees'	1,781,226	1,781,226
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88. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program	11,039,247
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SOURCE OF FUNDS:

(1) Examination Revolving Fund	5,567,003
(2) Fire Marshal's Fund	339,284

As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Alabama 1975.

(3) Insurance Agents and Brokers Continuing Educa- tion Fund	866,028	
As provided in Section 27-2-39, Code of Alabama 1975.		
(4) Insurance Department Fund	4,252,932	
As provided in Section 27-8A-10, Code of Alabama 1975.		
(5) Service Contract Fund	14,000	
Total Insurance, Department of	11,039,247	11,039,247

The above appropriation to the Department of Insurance represents the total amount requested by the Department and shall be expended to maximize the Department's responsibility of regulating insurance companies and agents and insurance rates to protect the citizens of the state; to audit and fully collect insurance premium taxes, to include the development of a system to routinely compile information on quarterly premium taxes paid by individual companies and credits taken against taxes owed by those companies; to monitor the solvency of insurance carriers; and to inform the citizens of rate hearings and rights of the insured. During the FY 1999-2000, the Department of Insurance shall report quarterly to the Chairs of the House Ways and Means-General Fund Committee and the Senate Finance &

Taxation-General Fund Committee of specific actions taken to effectuate these goals. The quarterly reports shall include but not be limited to: (1) the number of audits performed and the specific impact of these audits on insurance premium tax collections; (2) the number of consumer complaints investigated; (3) the number of public rate hearings held; (4) the number and nature of consumer inquiries regarding companies and their products and the response by the Department to those inquiries; and (5) the number of disciplinary actions taken against insurance agents or companies, including the nature of the complaint and the disciplinary action taken.

89. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program	29,500
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SOURCE OF FUNDS:

(1) Interior Designer Fund	29,500
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As provided in Section 34-15A-7, Code of Alabama 1975.

Total Interior Designers, Alabama State Board of Registration for	29,500	29,500
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90. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program	282,779
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SOURCE OF FUNDS:

(1) State General Fund	282,779	
Total Labor, Department of....	282,779	282,779

91. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		59,530
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund	59,530	
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As provided in Section 34-17-6, Code of Alabama 1975.

Total Landscape Architects, Board of Examiners of.....	59,530	59,530
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92. LIEUTENANT GOVERNOR, OFFICE OF THE:

(a) Legislative Operations and Support Program		497,500
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SOURCE OF FUNDS:

(1) State General Fund	497,500	
Total Lieutenant Governor, Office of the.....	497,500	497,500

93. LIQUEFIED PETROLEUM GAS BOARD:

(a) Regulatory Services Program		733,500
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	598,500	
(2) Liquefied Petroleum Gas Research and Education Fund	135,000	
Total Liquefied Petroleum Gas Board	733,500	733,500

94. LIVESTOCK MARKET BOARD, ALABAMA PUBLIC:

(a) Agricultural Development Service Program		3,500
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund	3,500	
In accordance with Sections 2-15-115 through 2-15-127, Code of Alabama 1975.		
Total Livestock Market Board, Alabama Public	3,500	3,500

95. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program	2,430,000	
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund ...	2,430,000	
As provided in Section 24-6-4, Code of Alabama 1975.		
Total Manufactured Housing Commission, Alabama	2,430,000	2,430,000

96. MARRIAGE AND FAMILY THERAPY, BOARD OF EXAMINERS:

(a) Professional and Occupational Licensing and Regulation Program	45,000	
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SOURCE OF FUNDS:

(1) Board of Examiners in Marriage and Family Therapy Fund	45,000	
Total Marriage and Family Therapy, Board of Examiners	45,000	45,000

97. MASSAGE THERAPY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	75,000	
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SOURCE OF FUNDS:

(1) Alabama Board of Massage Therapy Fund	75,000	
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As provided in Section
34-43-14, Code of Alabama
1975.

Total Massage Therapy, Ala- bama Board of	75,000	75,000
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**98. MEDICAID AGENCY,
ALABAMA:**

(a) Medical Assistance through Medicaid Program.....	2,561,551,367
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Of the above appropriation to
the Medicaid Agency, \$75,000
shall be allocated to the
Donated Dental Services Proj-
ect for Handicapped/Indigent
patients and \$50,000 shall be
allocated to fund the Stroke
Prevention Task Force (Exe-
cutive Order No. 46). The
Medicaid Agency will reim-
burse the Department of Pub-
lic Health for actual costs (in
compliance with OMB Cir-
cular A87 and Health Care
Financing Administration
guidelines) for services pro-
vided. The Department of
Public Health shall transfer to
the Medicaid Agency the state
funds attributable to the dif-
ference between their costs
and Medicaid's routine reim-
bursement fee.

SOURCE OF FUNDS:

(1) State General Fund	204,562,552
(2) Alabama Health Care Trust Fund.....	35,750,000
(3) Departmental Receipts ...	2,500,000
(4) Drug Rebates	14,166,690
(5) Federal and Local Funds...	1,791,019,952
(6) Public Hospitals Transfer...	405,638,363
(7) Transfer from Commission on Aging	3,629,037

(8) Transfer from Department of Human Resources....	13,035,255
(9) Transfer from Department of Mental Health and Mental Retardation	70,937,905
(10) Transfer from Department of Public Health	13,767,841
(11) Transfer from Department of Rehabilitation Services	4,583,742
(12) Transfer from Department of Youth Services	134,230
(13) Transfer from University of Alabama at Birmingham ...	1,825,800
Total Medicaid Agency, Alabama.....	204,562,552 2,356,988,815 2,561,551,367

In addition to the above appropriation to the Alabama Medicaid Agency, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

99. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	12,136
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SOURCE OF FUNDS:

(1) State General Fund.....	12,136
Total Men's Hall of Fame, Alabama	12,136 12,136

100. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Mental Illness Program ...	204,101,251
(b) Mental Retardation Program	150,260,154

(c) Substance Abuse Program ..	30,483,646
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In addition to funding grants received by the Council on Substance Abuse-NCADD, \$67,395 shall be allocated to the Council for its substance abuse hotline.

(c) Administrative Services Program.....	13,992,596
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Of the above appropriation, \$44,930 shall be allocated to Camp Partlow and \$50,000 shall be allocated for the Glenwood Mental Health Wilderness Program.

(e) Alzheimer's Dementia Coordination Program	50,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	66,128,388	
(2) Cigarette Tax.....		2,100,000
(3) Departmental Receipts		1,500,000
(4) Departmental Receipts-Proceeds from Sale of Glenn Ireland II Developmental Center		7,500,000
(5) Federal and Local Funds ..	206,704,759	
(6) Indigent Offender Alcohol/Drug Treatment Fund.....		154,500
(7) Special Mental Health Trust Fund	114,800,000	

For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving

drugs at the Alabama state hospitals.

Total Mental Health and Mental Retardation, Department of

66,128,388 332,759,259 398,887,647

Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

101. MILITARY DEPARTMENT:

(a) Military Operations Program

4,337,066

SOURCE OF FUNDS:

(1) State General Fund-Active Military Service

7,500

(2) State General Fund-Dropping Allowance	1,000	
(3) State General Fund-Operations	1,183,424	
(4) State General Fund-Quarterly Allowances Headquarters	1,450,000	
(5) State General Fund-State Defense Force	20,000	
(6) State General Fund-Transfer to Armory Commission	1,675,142	
Total Military Department	4,337,066	4,337,066

102. MILITARY DEPARTMENT - ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program.....	10,356,727
(b) Capital Outlay Program ..	7,768,000

SOURCE OF FUNDS:

(1) Departmental Receipts ...	220,000
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The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.

(2) Federal and Local Funds ...	16,134,585	
(3) Military Department Billeting Revolving Fund, Estimated	95,000	
(4) Transfer from Military Department.....	1,675,142	

Total Military Department - Armory Commission of Ala- bama	18,124,727	18,124,727
Of the above appropriation to the Armory Commission, \$75,000 shall be used for pay- ment of the balance owed by Snead State Community Col- lege for purchase of an armory.		
103. MOTOR SPORTS HALL OF FAME COMMISSION:		
(a) Historical Resources Man- agement Program		131,522
SOURCE OF FUNDS:		
(1) State General Fund.....	131,522	
Total Motor Sports Hall of Fame Commission	131,522	131,522
104. MUSIC HALL OF FAME BOARD, ALABAMA:		
(a) Fine Arts Program		245,559
SOURCE OF FUNDS:		
(1) State General Fund.....	245,559	
Total Music Hall of Fame Board, Alabama	245,559	245,559
105. NATIONAL AND COM- MUNITY SERVICE, OF- FICE OF:		
(a) Executive Direction Pro- gram		2,179,255
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	86,855	
(2) Federal Funds	2,092,400	
Total National and Commu- nity Service, Office of.....	86,855	2,092,400
106. NURSING, ALABAMA BOARD OF:		
(a) Professional and Occupa- tional Licensing and Regula- tion Program		2,998,949

SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund	2,998,949	
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As provided in Sections 34-21-1 through 34-21-43, Code of Alabama 1975.

Total Nursing, Alabama Board of	2,998,949	2,998,949
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107. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		95,750
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	95,750	
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As provided in Section 34-20-7, Code of Alabama 1975.

Total Nursing Home Administrators, Board of Examiners of	95,750	95,750
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108. OCCUPATIONAL THERAPY, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		125,000
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SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund	125,000	
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As provided in Section 34-39-6, Code of Alabama 1975.

Total Occupational Therapy, Alabama State Board of	125,000	125,000
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109. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program		2,104,482
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SOURCE OF FUNDS:

(1) State General Fund.....	1,909,482		
(2) Oil and Gas Board Special Fund		175,000	
(3) Surety Bond Deposits, Estimated.....		20,000	
In accordance with Section 9-17-6, Code of Alabama 1975.			
Total Oil and Gas Board	1,909,482	195,000	2,104,482

110. PARDONS AND PAROLES, BOARD OF:

(a) Administration of Pardons and Paroles Program.....			17,656,381
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SOURCE OF FUNDS:

(1) State General Fund.....	12,384,897		
(2) Local and Miscellaneous Funds		171,484	
(3) Probationers Upkeep Fund ..		5,100,000	
In accordance with Section 15-22-2, Code of Alabama 1975.			
Total Pardons and Paroles, Board of	12,384,897	5,271,484	17,656,381

111. PEACE OFFICERS' ANNUITY AND BENEFIT FUND BOARD, ALABAMA:

(a) Retirement Systems Program			460,124
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....		460,124	
As provided in Section 36-21-66, Code of Alabama 1975.			
Total Peace Officers' Annuity and Benefit Fund Board, Alabama		460,124	460,124

112. PERSONNEL DEPARTMENT, STATE:

(a) Administrative Support Services Program			5,795,904
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Transfers to the State Personnel Department shall be as follows:

SOURCE OF FUNDS:

(1) Agricultural Center Board .	3,667
(2) Agricultural Museum Board	227
(3) Agricultural and Conservation Development Commission	76
(4) Alabama Building Renovation Finances Authority	14,063
(5) Alabama Crime Victims Compensation Commission..	3,100
(6) Alabama Development Office	5,519
(7) Alabama Historical Commission	14,214
(8) Alabama Indian Affairs Commission	529
(9) Alabama Medicaid Agency..	82,334
(10) Alcoholic Beverage Control Board	114,542
(11) Archives and History	7,939
(12) Attorney General's Office...	25,176
(13) Board of Cosmetology.....	2,344
(14) Board of Counseling Examiners	76
(15) Board of Examiners for Dietetics/Nutrition Practice ...	76
(16) Board of Examiners of Nursing Home Administrators	76
(17) Board of Heating and Air Conditioning Contractors	983
(18) Board of Nursing	5,670
(19) Board of Occupational Therapy	76
(20) Board of Physical Therapy	227

(21) Board of Public Accountancy	529
(22) Board of Registration for Architects	227
(23) Board of Registration for Foresters	76
(24) Board of Registration for Professional Engineers and Land Surveyors	907
(25) Board of Social Work Examiners.....	227
(26) Board of Veterinary Medical Examiners.....	227
(27) Building Commission	2,797
(28) Bureau of Tourism and Travel	10,660
(29) Child Abuse and Neglect Prevention Board.....	1,210
(30) Chiropractic Examiners...	227
(31) Choctawhatchee, Pea and Yellow Rivers Watershed	227
(32) Commission on Aging.....	3,175
(33) Credit Union Administration	1,134
(34) Criminal Justice Information Center.....	7,939
(35) Department of Aeronautics.....	756
(36) Department of Agriculture and Industries.....	53,302
(37) Department of Conservation and Natural Resources...	251,462
(38) Department of Corrections.....	487,879
(39) Department of Economic and Community Affairs.....	46,875
(40) Department of Education.....	104,108
(41) Department of Environmental Management	71,371

(42) Department of Forensic Sciences	22,455
(43) Department of Human Resources	598,640
(44) Department of Industrial Relations	258,418
(45) Department of Labor	907
(46) Department of Mental Health and Mental Retardation	536,871
(47) Department of Public Health	639,165
(48) Department of Public Safety	203,755
(49) Department of Revenue ..	201,034
(50) Department of Transportation.....	584,880
(51) Department of Veterans' Affairs	9,829
(52) Department of Youth Services	102,067
(53) Educational Television Commission	9,526
(54) Emergency Management Agency	8,165
(55) Employees' Insurance Board	3,100
(56) Ethics Commission.....	2,646
(57) Examiners of Public Accounts	33,417
(58) Farmers, Market Authority.....	227
(59) Finance, Department of...	74,849
(60) Foreign Trade Relations Commission.....	151
(61) Forestry Commission	57,535
(62) Funeral Service Board	227
(63) Geological Survey	7,863

(64) Governor's Office	5,066
(65) Home Builders Licensure Board	1,890
(66) Human Resources-Contract Team	94,118
(67) Insurance Department...	13,911
(68) International Airport Authority.....	76
(69) Judicial Inquiry Commission	227
(70) Liquefied Petroleum Gas Board.....	1,058
(71) Manufactured Housing Commission	3,402
(72) Military Department.....	31,452
(73) Oil and Gas Board	5,066
(74) Pardons and Paroles	56,401
(75) Peace Officers' Annuity and Benefit Fund.....	529
(76) Peace Officers' Standards and Training Commission	756
(77) Physical Fitness Commission	756
(78) Plumbers and Gas Fitters Examiners Board	2,722
(79) Public Education Employees' Insurance Board	2,495
(80) Public Library Service....	8,241
(81) Public Service Commission	18,901
(82) Real Estate Appraisers Board	983
(83) Real Estate Commission..	3,705
(84) Rehabilitation Services, Department of	119,153
(85) Retirement Systems.....	32,359
(86) Secretary of State	6,729

(87) Securities Commission...	4,083	
(88) Soil and Water Conservation Committee	680	
(89) State Auditor	1,966	
(90) State Banking Department	8,695	
(91) State Council on the Arts..	2,646	
(92) State Docks	49,597	
(93) State Health Planning Agency	1,890	
(94) State Licensing Board for General Contractors.....	1,588	
(95) State Treasurer	9,375	
(96) Surface Mining Commission	4,309	
(97) Transportation-Contract Team.....	618,594	
(98) Voter Registration	529	
Total Personnel Department, State	5,795,904	5,795,904

The above appropriations for the contract teams of Human Resources and the Department of Transportation are for an estimated amount as agreed upon by the State Personnel Department and said departments for model work teams. Such amounts of the above appropriation as are necessary shall be expended by the State Personnel Department, working closely with the Department of Public Safety, to develop and provide to the Department of Public Safety lists of qualified applicants to be used by the Department of Public Safety to fill positions in the Department of Public Safety Missing and Exploited

Children's Unit. Such lists shall be developed and provided to the Department of Public safety within one month of the creation of a new position or a vacancy in an existing position within the Missing and Exploited Children's Unit.

113. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	275,133
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SOURCE OF FUNDS:

(1) Physical Therapist Fund..	275,133
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As provided in Section 34-24-195, Code of Alabama 1975.

Total Physical Therapy, Board of	275,133	275,133
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114. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,730,000
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	1,730,000
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As provided in Section 34-37-5, Code of Alabama 1975.

Total Plumbers and Gas Fitters Examining Board, Alabama	1,730,000	1,730,000
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115. POLYGRAPH EXAMINERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	20,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund

20,000

As provided in Section 34-25-5, Code of Alabama 1975.

Total Polygraph Examiners, Board of

20,000

20,000

116. PROSECUTION SERVICES, OFFICE OF:

(a) Prosecution, Training, Education and Management Program.....

1,417,822

SOURCE OF FUNDS:

(1) State General Fund.....

306,000

(2) Office of Prosecution Services Fund

1,111,822

Total Prosecution Services, Office of

306,000

1,111,822

1,417,822

117. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program

186,895

SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund

186,895

As provided in Section 34-26-43, Code of Alabama 1975.

Total Psychology, Alabama Board of Examiners in.....

186,895

186,895

118. PUBLIC SAFETY, DEPARTMENT OF:

(a) Police Services Program...

38,077,172

Of the above appropriation, \$359,440 may be expended by the Missing and Exploited

Children's Unit for child pornography enforcement.

(b) Public Safety Support Services Program	17,864,592
(c) Administrative Services Program	17,817,912

SOURCE OF FUNDS:

(1) State General Fund	54,184,881
(2) Automated Fingerprint Identification System Fund...	3,000,000
In accordance with Sections 12-19-180 and 32-2-61, Code of Alabama 1975.	
(3) Boat Driver License	100,000
In accordance with Sections 33-5-53(f) through 33-5-55, Code of Alabama 1975.	
(4) Commercial Driver's License Fees	767,000
In accordance with Section 32-5-313, Code of Alabama 1975.	
(5) Drug Offenders Reinstatement Fund.....	100,000
(6) Federal and Local Funds ...	6,807,795
(7) Public Safety Law Enforcement Fund.....	4,500,000
In accordance with Section 32-6-5, Code of Alabama 1975.	
(8) Public Safety Motor Vehicle Replacement Fund	800,000
In accordance with Sections 32-2-80 through 32-2-84, Code of Alabama 1975.	
(9) Transfer from Public Road and Bridge Fund-Act 91-797..	3,500,000
The above transfer from the Public Road and Bridge Fund	

may only be used as provided
in Act 91-797 and Act 95-389.

Total Public Safety, Department of	54,184,881	19,574,795	73,759,676
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119. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program	5,618,914
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(b) Administrative Services Program	7,232,206
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The above appropriation includes a transfer to the State General Fund of \$2,723,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Departmental Receipts ...	11,000
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(2) Federal and Local Funds ...	410,000
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(3) Gas Pipeline Safety Fund..	528,127
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(4) Public Service Commission Fund	11,901,993
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

Total Public Service Commission	12,851,120	12,851,120
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In addition to the above appropriation to the Public Service Commission, there is hereby also appropriated revenues received from audit and court settlements and motor carrier fees in excess of known budgeted amounts in PSC Fund 0326 up to a maximum of \$600,000.

120. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	589,250
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund	589,250
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In accordance with Sections 34-27A-1 through 34-27A-29, Code of Alabama 1975.

Total Real Estate Appraisers Board, Alabama	589,250	589,250
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121. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	2,698,646
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	2,698,646
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As provided in Section 34-27-4, Code of Alabama 1975.

Total Real Estate Commission, Alabama	2,698,646	2,698,646
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122. REHABILITATION SERVICES, DEPARTMENT OF:

(a) Rehabilitation Services Program	1,772,213
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SOURCE OF FUNDS:

(1) State General Fund - Eye Injury Register.....	40,446	
(2) State General Fund - Homebound.....	1,731,767	
Total Rehabilitation Services, Department of.....	1,772,213	1,772,213

123. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program	84,276,943
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SOURCE OF FUNDS:

(1) State General Fund - Transfer	164,142	
As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem assessments.		
(2) State General Fund-Board of Equalization	76,542	
(3) Inspection fees for restored vehicles	905,387	
As provided in Section 32-8-87, Code of Alabama 1975.		
(4) Local Funds	2,514,964	
(5) Transfer from the Income Tax Collections	26,477,007	
(6) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	1,567,707	
(7) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	879,787	
(8) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	428,172	

(9) Transfer from the gross proceeds of Gasoline Tax Collections	9,164,962
(10) Transfer from the gross proceeds of Motor Carrier Mileage Tax Collections	215
(11) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,881,541
(12) Transfer from the gross proceeds of Motor Vehicle License Collections	1,419,407
(13) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,379,239
(14) Transfer from the gross proceeds of Sales Tax Collections	28,126,571
(15) Transfer from the gross proceeds of Use Tax Collections	2,456,158
(16) Transfer from the gross proceeds of the Aviation Fuel Tax Collections	2,046
(17) Transfer from the gross proceeds of the Contractors' Gross Receipts Privilege Tax Collections	55,814
(18) Transfer from the gross proceeds of the Hydroelectric Privilege Tax Collections	4,155
(19) Transfer from the gross proceeds of the Lubricating Oil Excise Tax	6,099
(20) Transfer from the gross proceeds of the Nursing Facility Privilege Tax Collections	72,241
(21) Transfer from the gross proceeds of the Pharmaceutical	

Services Privilege Tax Collections	15,000		
(22) Transfer from the gross proceeds of the Store License Tax Collections	1,236		
(23) Transfer from the gross proceeds of the Tobacco Tax Collections	67,574		
(24) Transfer from the gross proceeds of the Utility Tax Collections	5,453,334		
(25) Transfer from the proceeds of the Forest Severance Tax Collections	157,643		
Total Revenue, Department of	240,684	84,036,259	84,276,943

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department for collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses. It is the intent of the Legislature that the Department of Revenue utilize the appropriations made to it in this act to: (1) significantly reduce the amount of delinquent taxes owed to the state; (2) employ sufficient examiners and

audit personnel to insure that taxes owed to the state are collected accurately and timely; and (3) update its personal computers and related equipment to become more efficient in the collection of taxes owed to the state. During fiscal year 1999-2000, the Department shall report quarterly to the Chairs of the House Ways and Means-General Fund Committee and the Senate Finance & Taxation-General Fund Committee on all actions taken by the Department in furtherance of these goals. The reports shall include, but not be limited to: (1) the number and amounts of delinquent taxes collected during the quarter and the number and amounts of delinquent taxes outstanding as of the end of the quarter; (2) the number of additional examiners and audit personnel employed during the quarter (not including examiners and audit personnel employed to replace personnel that retire or otherwise leave state service); and (3) the number of new personal computers and related equipment put into use during the quarter.

124. ST. STEPHENS HISTORICAL COMMISSION:

(a) Historical Resources Management Program	108,475
(b) Capital Outlay Program ..	116,175

SOURCE OF FUNDS:

(1) State General Fund.....	224,650
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Total St. Stephens Historical Commission.....	224,650	224,650
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125. SECRETARY OF STATE:

(a) Administrative Support Services Program.....		2,142,687
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SOURCE OF FUNDS:

(1) State General Fund.....	753,056	
(2) Corporations Fund		998,400
(3) Electronic Voting Fund....		5,000
(4) Home Inspectors Registration Fund		154,373

As provided in Section 34-14B-6, Code of Alabama 1975.

(5) UCC and Farm Indexing Fund		231,858
Total Secretary of State	753,056	1,389,631
		2,142,687

126. SECURITIES COMMISSION:

(a) Regulatory Services Program		4,512,829
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Industrial Revenue Bond Notification Fund		50,000
(2) Sale of Checks Fund		15,000
(3) Securities Commission Fund		2,947,829
(4) Securities Commission Fund - Transfer to the State General Fund		1,500,000
Total Securities Commission ...	4,512,829	4,512,829

**127. SENIOR CITIZENS HALL
OF FAME, ALABAMA:**

(a) Historical Resources Management Program	14,287
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To be expended in accordance
with Sections 41-9-740 et
seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	14,287	
<hr/>		
Total Senior Citizens Hall of Fame, Alabama.....	14,287	14,287

**128. SOCIAL WORK EXAM-
INERS, ALABAMA STATE
BOARD OF:**

(a) Professional and Occupa- tional Licensing and Regula- tion Program	190,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund	190,000
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As provided in Section
34-30-6, Code of Alabama
1975.

Total Social Work Examiners, Alabama State Board of	190,000	190,000
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**129. SOIL AND WATER
CONSERVATION COM-
MITTEE, STATE:**

(a) Water Resource Develop- ment Program	1,675,604
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Of the above appropriation
\$50,000 shall be allocated to
the Sand Mountain-Lake
Guntersville Watershed
Conservancy District.

(b) Professional and Occupa- tional Licensing and Regula- tion Program	5,000
(c) R C and D Program	500,000

SOURCE OF FUNDS:

(1) State General Fund.....	1,934,604		
(2) Departmental Receipts.....		241,000	
(3) Soil Classifiers Fund		5,000	

As provided in Section
34-32-19, Code of Alabama
1975.

Total Soil and Water Conser- vation Committee, State	1,934,604	246,000	2,180,604
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130. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program...	26,008		
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SOURCE OF FUNDS:

(1) State General Fund.....	26,008		
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Total Southern Growth Poli- cies Board	26,008		26,008
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131. SPEECH PATHOLOGY
AND AUDIOLOGY, ALA-
BAMA BOARD OF EXAM-
INERS FOR:

(a) Professional and Occupa- tional Licensing and Regula- tion Program			136,400
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SOURCE OF FUNDS:

(1) Alabama Board of Exam- iners for Speech Pathology and Audiology Fund		136,400	
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As provided in Section
34-28A-44, Code of Alabama
1975.

Total Speech Pathology and Audiology, Alabama Board of Examiners for		136,400	136,400
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132. SPORTS HALL OF
FAME, ALABAMA:

(a) Historical Resources Man- agement Program			152,763
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SOURCE OF FUNDS:

(1) State General Fund.....	152,763		
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Total Sports Hall of Fame, Alabama	152,763		152,763
133. SURFACE MINING COMMISSION, ALABAMA:			
(a) Industrial Safety and Accident Prevention Pro- gram			2,244,224
SOURCE OF FUNDS:			
(1) State General Fund - Transfer.....	393,773		
(2) Bond Forfeiture/Reclamation Projects, Estimated		500,000	
As provided in Section 9-16- 103, Code of Alabama 1975.			
(3) Federal and Local Funds...		1,006,017	
(4) Surface Mining Commis- sion - Fees		344,434	
Total Surface Mining Com- mission, Alabama	393,773	1,850,451	2,244,224
134. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:			
(a) Promotional Development Program			386,449
To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) State General Fund.....	102,449		
(2) Admissions and Conces- sions.....		284,000	
Total Tennessee Valley Exhibit Commission of Alabama.....	102,449	284,000	386,449
135. TENNESSEE-TOMBIG- BEE WATERWAY DEVEL- OPMENT AUTHORITY:			
(a) Water Resource Develop- ment Program			92,825
SOURCE OF FUNDS:			
(1) State General Fund	92,825		

Total Tennessee-Tombigbee Waterway Development Au- thority.....	92,825	92,825
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136. TOURISM AND TRAV- EL, BUREAU OF:

(a) Tourism and Travel Pro- motion Program	8,790,604
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Of the above appropriation,
\$10,000 shall be allocated to
the Spirit of America Cele-
bration in Decatur; \$200,000
shall be allocated to the
Alabama Writers Hall of
Honor; \$25,000 shall be allo-
cated to the Emerald Tri-
angle; and \$50,000 shall be
allocated to the International
Motor Sports Hall of Fame.

SOURCE OF FUNDS:

(1) State General Fund.....	1,319,113
(2) Lodgings Tax (\$0.01).....	7,471,491

Receipts collected under the
provisions of Sections 40-26-1
et seq., Code of Alabama
1975.

Total Tourism and Travel, Bureau of.....	1,319,113	7,471,491	8,790,604
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137. TRANSPORTATION, DEPARTMENT OF:

(a) Central Administration Program	38,031,075
(b) Division and District Super- vision Program	38,993,381
(c) Operations and Support Services Program	12,195,755
(d) Maintenance Program	145,587,676
(e) Non-Programmatic Pro- grams.....	10,740,313

Proposed spending plan for
the above (e) includes the
following:

Equipment - Other than Auto- motive	6,336,350	
Debt Service	4,403,963	
(f) Construction-Federal Aid Program		1,013,758,876
Proposed spending plan for the above (f) includes the following:		
Federal Aid		
Matching	164,838,444	
Non-Participating Work on Federal Projects	1,000,000	
Federal Aid.....	847,920,432	
(g) Construction-State Pro- gram		25,500,000
(h) Operations-Land and Buildings Program		2,958,954
(i) Industrial Access Program...		12,000,000
Of the above appropriation, \$250,000 shall be expended for industrial access roads for the City of Guntersville Industrial Park and \$250,000 shall be expended for indus- trial access roads for the Barton Industrial Park in Colbert County.		
(j) Captive County.Health Insurance Program		130,000
(k) Transfer to Department of Public Safety, in accor- dance with Act 91-797		3,500,000
(l) Debt Service, General Obligation Refunding Bonds, 1992 Series A and B		22,736,263
SOURCE OF FUNDS:		
(1) State General Fund- Transfer.....	112,324	
(2) Federal Aid		847,920,432
(3) Public Road and Bridge Fund		474,599,537

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$4,403,963 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation: (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues

accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

- (4) Public Road and Bridge Fund-for transfer to Department of Public Safety

3,500,000

Total Transportation, Department of

112,324 1,326,019,969 1,326,132,293

138. TREASURER, STATE:

- (a) Fiscal Management Program

7,989,425

SOURCE OF FUNDS:

- (1) State General Fund.....

2,401,699

- (2) Departmental Receipts

32,375

- (3) Prepaid Affordable College Tuition Fund

4,576,378

(4) Unclaimed Property Administrative Fund.....		978,973	
As provided in Section 35-12-39, Code of Alabama 1975.			
Total Treasurer, State	2,401,699	5,587,726	7,989,425
139. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:			
(a) Special Services Program, Estimated			26,957
SOURCE OF FUNDS:			
(1) State General Fund.....	26,957		
As provided in Section 41-9-374, Code of Alabama 1975.			
Total Uniform State Laws, Alabama Commission on.....	26,957		26,957
140. VETERANS' AFFAIRS, DEPARTMENT OF:			
(a) Administration of Veterans' Affairs Program			16,787,258
Of the above appropriation, \$6,740 shall be allocated to the Veteran's Day Committee of Birmingham and \$22,465 shall be allocated for the Veterans Museum and Archives.			
SOURCE OF FUNDS:			
(1) State General Fund.....	3,112,699		
(2) Veterans' Assistance Fund...		4,500,000	
(3) Veterans' Home Trust Fund - Transfer		9,174,559	
Total Veterans' Affairs, Department of.....	3,112,699	13,674,559	16,787,258
141. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			350,000

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	350,000		
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As provided in Section
34-29-70, Code of Alabama
1975.

Total Veterinary Medical Examiners, Alabama State Board of	350,000		350,000
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142. VOTER REGISTRATION IDENTIFICATION PROGRAM:

(a) Special Services Program....			566,140
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SOURCE OF FUNDS:

(1) State General Fund	366,140		
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(2) Voter Registration Fund.....	200,000		
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Total Voter Registration Identification Program	366,140	200,000	566,140
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143. WOMEN'S COMMISSION, ALABAMA:

(a) Employment and Social Opportunities Program			18,152
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SOURCE OF FUNDS:

(1) State General Fund	18,152		
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Total Women's Commission, Alabama	18,152		18,152
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144. WOMEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program			11,772
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SOURCE OF FUNDS:

(1) State General Fund	11,772		
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Total Women's Hall of Fame, Alabama	11,772		11,772
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145. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program ..			17,535,860
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Of the above appropriation,
the sum of \$44,930 shall be

allocated to the Juvenile Justice Coordinating Council of St. Clair County; \$67,395 shall be allocated to Coosa Valley Youth Services; \$44,930 shall be allocated to the Tuscaloosa Regional Detention Center; \$44,930 shall be allocated for the "Time Out" Program for the Juvenile Court System in Elmore County; and \$224,650 shall be allocated for the expansion of in-school suspension programs. The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

(b) Youth Services - Boot Camp Programs		3,646,935
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SOURCE OF FUNDS:

(1) State General Fund - Boot Camp Programs	3,646,935	
(2) State General Fund- Juvenile Probation Officers Subsidy	6,369,000	
(3) State General Fund-Youth Services	11,166,860	
Total Youth Services, Department of	21,182,795	21,182,795

2D. OTHER:

1. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated		60,450
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SOURCE OF FUNDS:

(1) State General Fund	60,450	
As provided in Sections 15-9-1 and 15-9-3, Code of Alabama 1975.		
Total Arrest of Absconding Felons	60,450	60,450

2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Esti- mated	82
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SOURCE OF FUNDS:

(1) State General Fund	82
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As provided in Sections
12-22-150 and 12-22-241,
Code of Alabama 1975.

Total Automatic Appeal Ex- pense	82	<u>82</u>
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3. COUNTY GOVERNMENT CAPITAL IMPROVEMENT FUND:

(a) Capital Improvement Pro- gram, Estimated.....	8,000,000
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SOURCE OF FUNDS:

(1) State General Fund- Transfer, Estimated.....	8,000,000
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In accordance with Section
11-29-5, Code of Alabama
1975.

Total County Government Capital Improvement Fund	8,000,000	<u>8,000,000</u>
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4. COURT ASSESSED COSTS NOT PROVIDED FOR:

(a) Special Services Program, Estimated.....	2,000,000
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As provided in Sections
22-52-14, 30-4-96, 26-17-17,
22-11A-1 through 22-11A-41,
12-15-71 and 12-21-131,
Code of Alabama 1975.

(b) Legal Advice and Legal Services Program.....	250,000
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It is the intent of the Leg-
islature that the appropria-
tion in this subsection be
expended for Court Costs to
include costs of depositions,

witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

(c) Automatic Appeal Cases
Expense Program.....

40,000

The above appropriation shall be used to reimburse reasonable expenses incurred by attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund.....	250,000	
(2) State General Fund - Automatic Appeal Cases	40,000	
(3) State General Fund, Estimated	2,000,000	
<hr/>		
Total Court Assessed Costs Not Provided For	2,290,000	2,290,000
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5. COURT COSTS - ACT
NO. 558, 1957:

(a) Court Operations Program, Estimated	200
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SOURCE OF FUNDS:

(1) State General Fund.....	200
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Pursuant to Act No. 558,
1957, Page 777.

Total Court Costs - Act No. 558, 1957	200	200
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6. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....	305,206
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SOURCE OF FUNDS:

(1) State General Fund.....	305,206
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As provided in Sections
36-14-1, 36-14-11, 17-22A-11,
and 41-21-8, Code of Alabama 1975.

Total Distribution of Public Documents.....	305,206	305,206
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7. DOCKS TRANSFER,
STATE:

(a) State Docks Program	3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000
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The above appropriation to the State Docks shall be conditioned upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Docks Transfer, State ...	3,500,000	3,500,000
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8. ELECTION EXPENSES:

(a) Special Services Program, Estimated	4,500,000
(b) Training of Election Offi- cials	72,694

For payment of expenses pur-
suant to the court order en-
tered by the U.S. District
Court, Middle District of
Alabama in Civil Action No.
84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund.....	72,694
(2) State General Fund- Estimated.....	4,500,000

As provided in Section
17-21-6, Code of Alabama
1975.

Total Election Expenses	4,572,694	4,572,694
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9. EMERGENCY FUND, DE-
PARTMENTAL:

(a) Special Services Program....	1,847,899
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SOURCE OF FUNDS:

(1) State General Fund.....	1,847,899
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This is the appropriation con-
templated in Section
41-4-94, Code of Alabama
1975, and shall be the only
amount appropriated and
the total amount expended
under the provisions of said
section. This appropriation
shall be expended solely for
the purpose of addressing a
financial emergency within
a state department, board,
commission, bureau, office,
or agency. It is the intent of
the Legislature that (1) as
much as necessary, not to
exceed \$100,000, of the

appropriation made within this subsection shall be expended for the legal expenses incurred by the Office of the President of the Senate or the Office of the Lieutenant Governor; and (2) that as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Speaker of the House of Representatives; provided, however, contracts for legal representation shall be subject to the contract review process. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office, or agency, the Director of Finance shall notify the Chairman of the Senate Finance & Taxation-General Fund Committee, the Chairman of the House Ways and Means-General Fund Committee, and the Director of the Legislative Fiscal Office of such pending transfer.

Total Emergency Fund, Departmental	1,847,899	1,847,899
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10. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated		11,000,000
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SOURCE OF FUNDS:

(11) State General Fund - Transfer	11,000,000	
Total Fair Trial Tax Transfer	11,000,000	11,000,000

11. FEEDING OF PRISON- ERS:

(a) Institutional Services - Corrections Program, Esti- mated	5,700,000
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SOURCE OF FUNDS:

(1) State General Fund.....	5,700,000
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For expenses of feeding pris-
oners in county jails in accor-
dance with Section 14-6-42,
Code of Alabama 1975.

Total Feeding of Prisoners	5,700,000	5,700,000
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12. FINANCE - CMIA, DE- PARTMENT OF:

(a) Fiscal Management Pro- gram, Estimated	500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000
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As provided in Section 41-4-38,
Code of Alabama 1975.

Total Finance - CMIA, De- partment of.....	500,000	500,000
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13. FINANCE - EMPLOYEES' SUGGESTION AWARDS PROGRAM, DEPARTMENT OF:

(a) Fiscal Management Pro- gram	8,986
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SOURCE OF FUNDS:

(1) State General Fund.....	8,986
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In accordance with Section
36-1-7, Code of Alabama
1975.

Total Finance - Employees' Suggestion Awards Pro- gram, Department of	8,986	8,986
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14. FINANCE - FEMA, DE- PARTMENT OF:

(a) Readiness and Recovery Program, Estimated	1,000,000
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Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund.....	1,000,000	
Total Finance - FEMA, Department of.....	1,000,000	1,000,000

The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Emergency Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants.

15. FOREST FIRE FUND, EMERGENCY:

(a) Forest Resources Protection and Development Program	180,000
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SOURCE OF FUNDS:

(1) State General Fund - Transfer	180,000
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The appropriation to the Emergency Forest Fire Fund shall be conditioned as provided by Section 9-3-10.1, Code of Alabama 1975, and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Forest Fire Fund, Emergency	180,000	180,000
16. FREDDIE LEE GAINES:		
(a) Special Services Program....		100,000
In accordance with Act 96-579.		
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Freddie Lee Gaines	100,000	100,000
17. GOVERNOR'S CONFER- ENCE, NATIONAL:		
(a) Executive Direction Pro- gram, Estimated		199,450
SOURCE OF FUNDS:		
(1) State General Fund	199,450	
Total Governor's Conference, National	199,450	199,450
18. GOVERNOR'S PROCLA- MATION EXPENSES:		
(a) Executive Direction Pro- gram, Estimated		700,000
SOURCE OF FUNDS:		
(1) State General Fund	700,000	
As provided in Section 17-14-21 and Section 17-17-4, Code of Alabama 1975.		
Total Governor's Proclama- tion Expenses	700,000	700,000
19. GOVERNOR'S WIDOW RETIREMENT:		
(a) Executive Direction Pro- gram, Estimated		14,400
SOURCE OF FUNDS:		
(1) State General Fund.....	14,400	
As provided in Section 36-13-12, Code of Alabama 1975.		
Total Governor's Widow Re- tirement.....	14,400	14,400

**20. LAW ENFORCEMENT
FUND:**

(a) Criminal Investigation Program, Estimated	137,200
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SOURCE OF FUNDS:

(1) State General Fund	137,200
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As provided in Sections
28-4-311 and 28-4-312, Code
of Alabama 1975.

Total Law Enforcement Fund ...	137,200	137,200
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**21. LAW ENFORCEMENT
LEGAL DEFENSE:**

(a) Legal Advice and Legal Services Program, Estimated..	2,000
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SOURCE OF FUNDS:

(1) State General Fund	2,000
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To carry out provisions of
Section 36-21-1, Code of
Alabama 1975.

Total Law Enforcement Legal Defense	2,000	2,000
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**22. MILITARY – EMER-
GENCY ACTIVE DUTY PAY:**

(a) Military Operations Pro- gram, Estimated	500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000
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As provided in Section
31-2-133, Code of Alabama
1975.

Total Military - Emergency Active Duty Pay	500,000	500,000
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**23. MUNICIPAL GOVERN-
MENT CAPITAL IMPROVE-
MENT FUND:**

(a) Capital Improvement Pro- gram, Estimated	8,000,000
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SOURCE OF FUNDS:

(1) State General Fund-
Transfer, Estimated 8,000,000

In accordance with Section
11-66-5, Code of Alabama
1975.

Total Municipal Government Capital Improvement Fund....	8,000,000	8,000,000
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24. PRINTING OF CODE SUP-
PLEMENTS – LEGISLATIVE
REFERENCE SERVICE:

(a) Legislative Operations and
Support Program, Estimated.. 114,880

SOURCE OF FUNDS:

(1) State General Fund..... 114,880

As provided in Section 29-7-6,
Code of Alabama 1975.

Total Printing of Code Sup- plements - Legislative Refer- ence Service	114,880	114,880
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It is the intent of the Legislature
that the number of Codes and
Supplements printed and dis-
tributed shall be limited to the
minimum number actually
needed, utilized, and required
by law. Procedures should be
adopted to verify the need and
utility of required printed sets
to insure printing costs savings
when possible.

25. PRINTING OF CODES
AND SUPPLEMENTS –
SECRETARY OF STATE:

(a) Administrative Support
Services Program, Estimated.... 121,317

SOURCE OF FUNDS:

(1) State General Fund 121,317

As provided in Sections
41-21-1 through 41-21-8 and

41-4-154, Code of Alabama
1975.

Total Printing of Codes and Supplements - Secretary of State	121,317	121,317
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It is the intent of the Leg-
islature that the number of
Codes and Supplements
printed and distributed shall
be limited to the minimum
number actually needed, uti-
lized, and required by law.
Procedures should be adopted
to verify the need and utility
of required printed sets to
insure printing cost savings
when possible.

26. PRINTING OF LEGIS- LATIVE ACTS AND JOUR- NALS:

(a) Administrative Support Services Program, Estimated...	443,385
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SOURCE OF FUNDS:

(1) State General Fund.....	443,385
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As provided in Sections
41-4-130 through 41-4-161,
Code of Alabama 1975.

Total Printing of Legislative Acts and Journals	443,385	443,385
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27. PUBLIC SAFETY-EMER- GENCY CODE:

(a) Readiness and Recovery Program	200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	200,000
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As provided in Section 32-2-7,
Code of Alabama 1975.

Total Public Safety-Emergency Code	200,000	200,000
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28. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated	2,800,000
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SOURCE OF FUNDS:

(1) State General Fund	2,800,000
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In accordance with Sections
17-4-126 and 17-4-153, Code
of Alabama 1975.

Total Registration of Voters ...	2,800,000	2,800,000
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29. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Pro- gram, Estimated	500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000
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As provided in Sections
15-10-70 through 15-10-73,
15-9-62, 15-9-65, and 15-9-81,
Code of Alabama 1975.

Total Removal of Prisoners	500,000	500,000
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30. STATE GENERAL FUND, ESTIMATED:

(a) Heritage Trust Fund Pro- gram	49,500,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income Fund - Transfer, Estimated....	49,500,000
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All income other than income
realized on the sale of Trust
Fund assets and not other-
wise appropriated herein.

Total State General Fund, Esti- mated	49,500,000	49,500,000
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SECTION 3. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated any and all amounts from tobacco settlement or litigation for the fiscal year ending September 30, 2000. The amounts are conditioned upon the State of Alabama receiving revenue from tobacco settle-

ment or litigation, the recommendation of the Director of Finance, and the approval of the Governor. The conditional appropriation made herein shall be allocated pursuant to House Bill 323 and House Bill 455 enacted in the 1999 Regular Legislative Session.

SECTION 4. Except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. The amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 9, 10 and 11 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 5. In addition to appropriations made elsewhere in this act there is hereby appropriated the following amounts from the State General Fund to be conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Examiners of Public Accounts	1,257,392
Legislative Council	34,684
Legislative Fiscal Office	3,080
Legislative Reference Service	268,058
Legislature	2,740,725

The above amount includes: 1) \$759 for the Permanent Municipal Government Committee and 2) \$200,000 for the Reapportionment Committee.

Court of Civil Appeals	302,703
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Court of Criminal Appeals	313,146
Judicial Inquiry Commission	23,685
Supreme Court	701,274
Supreme Court Library	142,132
Unified Judicial System	10,094,023
The above amount includes \$25,000 to the Butler County Court House Annex.	
Academy of Honor, Alabama	507
Adjustment, Board of	85,320
Aging, Commission on	842,847
The above amount includes \$1,014 to the Silver-Haired Legislature and \$250,000 for the Medicaid Waiver Program.	
Agricultural & Conservation Development Commission	424,736
Agricultural & Industrial Exhibit Commission	3,554
Agricultural Center Board	85,776
Agricultural Museum Board	13,689
Agriculture & Industries, Department of	1,908,008
The above amount includes: 1) \$12,675, Aquaculture Center in Gadsden; 2) \$15,210, Fire Ant Eradication at the Department of Entomology at Auburn University; 3) \$50,000, Small Farm Program; 4) \$152,100, Boll Weevil Eradication Program; 5) \$150,000, State Climatologist; 6) \$18,675, diagnostic laboratory at Hanceville; and 7) \$2,075 for a diagnostic laboratory at Snead State Community College.	
Airport Authority, Alabama International	7,261
Alabama Trust Fund Board	2,535
Alcoholic Beverage Control Board	20,280
Archives and History	296,515
Attorney General, Office of	936,667
Auditor, State	133,849
Bear Creek Development Authority	3,876

Building Commission	24,422
Building Renovation Finance Authority	151,339
Buskey Penny Trust Fund	35,141
Cahawba Advisory Committee	183,680
Choccolocco Creek Watershed	2,004
Choctawhatchee, Pea & Yellow River Conservancy	25,213
Conservation & Natural Resources, Department of	75,000
The above amount includes \$50,000 for the operation, maintenance, and/or construction of urban recreation facilities in Jefferson County.	
Corrections, Department of	17,610,976
Criminal Justice Information Center, Alabama	259,242
Dairy Compact, Southern	2,535
Development Office, Alabama	624,566
The above amount includes \$50,700 for Mercedes advertising. Of the above appropriation to the Alabama Development Office, \$200,000 shall be specifically designated for industrial recruitment in rural areas of the state and/or areas with high unemployment and low personal income levels. The Director of the Alabama Development Office shall report to the Chairs of the House Ways and Means-General Fund Committee and the Senate Finance and Taxation-General Fund Committee and the Legislative Fiscal Officer a detailed accounting of the expenditure of this \$200,000.	
District Attorneys	2,082,460
The above amount includes:	
1st Circuit	31,807
2nd Circuit	32,399
3rd Circuit	45,426
4th Circuit	83,347
5th Circuit	78,451
6th Circuit	79,032

7th Circuit	60,449
8th Circuit	41,194
9th Circuit	39,165
10th Circuit	114,510
11th Circuit	31,931
12th Circuit	66,857
13th Circuit	88,819
14th Circuit	38,500
15th Circuit	97,051
16th Circuit	55,313
17th Circuit	33,724
18th Circuit	80,347
19th Circuit	49,614
20th Circuit	59,887
21st Circuit	38,876
22nd Circuit	42,206
23rd Circuit	92,415
24th Circuit.	34,232
25th Circuit	36,599
26th Circuit	54,072
27th Circuit	44,172
28th Circuit	57,439
29th Circuit	60,239
30th Circuit	47,758
31st Circuit	30,469
32nd Circuit	42,611
33rd Circuit	35,006
34th Circuit	25,708
35th Circuit	36,071
36th Circuit	24,266
37th Circuit	45,816
38th Circuit	38,661

39th Circuit	32,856
40th Circuit	26,839
Bessemer Cut-Off	28,326
Department of Economic & Community Affairs	4,005,057
The above amount includes: 1) \$60,840, Regional Planning Commissions; 2) \$2,535, Gadsden Cultural Arts Center for Basil Gilchrist Memorial Gardens; 3) \$54,452, Small Business Development Consortium; 4) \$81,120, Community Action Agencies; 5) \$8,112, Food Assistance-Montgomery and Elmore Counties; 6) \$8,112, Food Assistance-Winston and Marion Counties; 7) \$5,070, Alabama Coosa Tallapoosa River Water Basin and Appalachian Chattahoochee Flynt River Basin Compacts; 8) \$4,150, Tennessee River Valley Association in Decatur; and 9) \$180,000, Ft. McClellan Development Joint Powers Authority.	
Elk River Development Agency	2,128
Emergency Management Agency	155,637
Energy Board, Southern States	2,181
Environmental Management, Department of	526,816
The above amount includes \$10,000, Environmental Center.	
Ethics Commission	98,069
Farmer's Market Authority	133,753
The above amount includes \$20,000 for Nutrition Program.	
Finance, Department of	995,292
Finance-Telephone Revolving Fund	128,797
Foreign Trade Relations Commission	10,331
Forensic Sciences	732,721
Forestry Commission	2,674,975
The above amount includes \$407,198 for Rural and Community Fire Protection.	
Geological Survey	218,074
Gorgas Memorial Board	355

Governor's Contingency Fund	39,293
Governor's Mansion	41,953
Governor's Office	294,621
Health, Department of Public	5,552,843
The above amount includes: 1) \$125,000 for each of the following: AIDS Prevention and Treatment and Minimum Staff; and 2) \$101,400, for perinatal activities.	
Historic Blakeley Authority	88,025
Historic Chattahoochee Commission	36,983
Historic Ironworks Commission	39,146
(Tannehill) Historical Commission, Alabama	1,033,702
The above amount includes: \$709,996, Historical Commission; \$50,000, Historical Commission-Cahawba; \$5,374, Historical Commission-Gaineswood; \$5,070, Helen Keller's Birthplace; \$6,084, Ft. Payne, Bridgeport & Stevenson Historical Depots/Museum; \$2,750, Magnolia Grove; \$3,042, Houston Library, Athens; \$13,101, Fort Morgan; \$3,549, Joe Wheeler; \$12,928, Fort Toulouse; \$829, John T. Morgan House, Selma; \$12,675, Cahawba; \$14,196, Fendall Hall; \$103,391, Governor's Mansion and State Capitol; \$5,070, Hank Williams Museum, Montgomery; \$75,000, Nat King Cole Project; \$5,070, Museum of City of Mobile; \$2,535, Monroeville-To Kill a Mockingbird Project; \$1,014, Aliceville Prisoner of War Museum; and \$2,028, Donnell House.	
Human Resources, Department of	4,411,721
The above amount includes: 1) \$10,140, Brantwood Children's Home; 2) \$243,360, Before and After School Care; 3) \$709,800, Therapeutic Foster Care; 4) \$30,420, Adult Day Care-Family Guidance Center; 5) \$50,000, Harris Home for Children; 6) \$25,000, New Futures for Homeless Program in Huntsville; and 7) \$100,000, Homeless Teenagers Program.	
Indian Affairs	20,898

Industrial Relations, Department of	74,312
Labor, Department of	31,908
Medicaid Agency, Alabama	20,061,455
Men's Hall of Fame	7,364
Mental Health, Department of	7,462,074
The above amount includes \$7,605, Substance Abuse Hotline and \$5,070, Camp Partlow.	
Military Department	499,404
The above amount includes \$10,000 for State Defense Force.	
National & Community Service, Office of	24,800
Oil & Gas Board	215,470
Pardons & Paroles, Board of	1,397,539
Prosecution Services, Office of	34,530
Public Safety, Department of	6,086,131
The above amount includes \$40,560 to Missing and Exploited Children's Unit.	
Rehabilitation Services, Department of	199,980
Revenue Department	27,159
St. Stephens Historical Commission	25,350
Secretary of State	84,977
Senior Citizens Hall of Fame, Alabama	1,612
Soil & Water Conservation Committee, State	268,568
The above amount includes \$75,000 for R C and D Program.	
Southern Growth Policies Board	2,935
Sports Hall of Fame	17,237
Surface Mining Commission	88,791
TVA Exhibit Commission	11,561
Tennessee-Tombigbee Waterway Development Authority	17,475
Tourism and Travel, Bureau of	803,976
The above amount includes \$15,000 for the Spirit of America Celebration in Decatur and \$25,000 for the Tillman Corner Pecan Festival.	

Transportation Department	12,676
Treasurer, State	271,013
Uniform State Laws, Commission on	3,043
Veterans' Affairs, Department of	351,245

The above amount includes \$761 for Veterans' Day Committee of Birmingham and \$2,535 for Veterans Museum and Archives.

Voter Registration Program	41,316
Women's Commission, Alabama	2,048
Women's Hall of Fame	1,328
Youth Services, Department of	1,480,356

The above amount includes: 1) \$5,070 for each of the following: Juvenile Justice Coordinating Council of St. Clair County, "Time Out" - Juvenile Court in Elmore County, and Tuscaloosa Regional Detention Center; 2) \$7,605, Coosa Valley Youth Services; and 3) \$25,350, expansion of in-school suspension programs.

Emergency Fund, Departmental	152,101
Finance-Employees Suggestion Award Program	1,014

SECTION 6. The following appropriations from the General Fund are second level conditional appropriations and are conditioned upon the availability of funds in the State General Fund and the approval of the Governor. The Governor may not release any portion of any of the following conditional appropriations unless and until all first level conditional appropriations that are contingent solely on a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S. Ct. 1180) are released in full.

Aging, Commission on	955,000
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The above amount includes \$100,000 to the Geneva Senior Citizens Center and \$130,000 to the City of Kinston Senior Citizen Center.

Agricultural & Conservation Development Commission	775,000
Agriculture & Industries, Department of (for Boll Weevil Eradication)	1,000,000
Agriculture & Industries, Department of	799,800

The above amount includes \$149,800 for a diagnostic laboratory in Coffee County for capital outlay.

Archives and History, Department of 2,290,000

The above amount includes \$160,000 for the City of Andalusia Build a Dream Project.

Attorney General, Office of 500,000

Auditor, State 150,000

Building Renovation Finance Authority 750,000

Conservation and Natural Resources 98,000

The above appropriation shall be for the City of Florala Lake Jackson Project.

Corrections, Department of 2,500,000

Criminal Appeals, Court of 40,000

Development Office, Alabama 800,000

The above amount includes \$100,000 for the Lake Martin Economic Development Alliance.

Economic & Community Affairs, Alabama Department of 4,343,000

The above amount to ADECA includes: 1) \$75,000, Fair Housing Center of North Alabama; 2) \$30,000, Dothan Area Botanical Gardens; 3) \$100,000, Lawson State Community College for Business Incubator for Minority Businesses; and 4) \$188,000, City of Opp Downtown Development Authority.

Emergency Fund, Departmental 1,000,000

Energy Board, Southern States 11,000

Environmental Management, Department of 608,678

Geological Survey 100,000

Governor's Mansion 100,000

Governor's Office 400,000

Health, Department of Public 6,100,000

Historical Commission, Alabama 125,000

The above amount includes: 1) \$15,000, Aliceville Prisoner of War Museum; 2)

\$10,000, Childersburg Heritage Foundation; 3) \$25,000, Constitution Hall Village; 4) \$25,000, Congressman Bob Jones Center in Woodville; and 5) \$50,000, Museum of City of Mobile.

Human Resources, Department of	300,000
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The above amount includes: 1) \$25,000, Alabama Foster Care Association; 2) \$25,000, New Futures for the Homeless Program in Huntsville; 3) \$50,000 Harris Home for Children; and 4) \$200,000, Circle of Care.

Law Institute, Alabama	112,011
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Medicaid Agency, Alabama	25,000,000
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Mental Health and Mental Retardation, Department of	7,500,000
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Oil & Gas Board	100,000
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Pardons & Paroles, Board of	850,000
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Public Safety, Department of	200,000
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Rehabilitation Services, Department of	500,000
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Secretary of State	300,000
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Supreme Court Law Library	236,275
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Surface Mining Commission, Alabama	125,000
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Treasurer, State	200,000
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Unified Judicial System	3,300,000
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Youth Services, Department of	9,500,000
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SECTION 7. Nothing in this act shall be deemed to prohibit or otherwise exclude merit pay raises; provided however, no such raises shall be provided employees if funds for said merit raises are deemed not available by the Finance Director. The term "merit raise" shall not include the normal salary increase upon promotion to a higher class ("promotional raise") nor the salary increase typically granted upon the employee successfully completing the probationary or working test period ("probationary raise").

SECTION 8. Any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department,

bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 9. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 10. Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission from the appropriate fund or funds of such department, board, bureau or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that existing appropriations are not available for the court-ordered payments.

SECTION 11. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 12. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than

September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 13. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this act. All agencies enumerated in this act and receiving services from other governmental agencies enumerated in this act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 14. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of the Department of Transportation and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. The Department of Public Safety may transfer surplus automobiles (those with over 100,000 miles) without the approval required in this section. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means-General Fund Committee, and the Chairman of the Senate Finance and Taxation-General Fund Committee. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Finance and Taxation-General Fund Committee prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

Section 15. Pursuant to the requirement that the Legislature certify the anticipated and appropriated beginning balance for fiscal

year 1999-2000, the amount anticipated and appropriated by the Legislature is \$13,259,535. In the event the beginning balance on October 1, 1999 in the General Fund exceeds \$11,647,287, the first \$2,500,000 of that balance shall be transferred by the State Comptroller into the General Fund Proration Prevention Account. Any remaining beginning balance shall be subject to the provisions of House Bill 4 enacted in the 1999 Regular Legislative Session.

SECTION 16. In addition to all appropriations made heretofore in this act, there is also hereby conditionally appropriated from the Lottery Trust Fund, the amounts necessary to fund the educational programs and purposes, as defined in and in accordance with the provisions of Senate Bill 374 enacted in the 1999 Regular Legislative Session, for the fiscal year ending September 30, 2000. The appropriations made in this section shall be conditioned solely upon the adoption by a majority of qualified voters of the Constitutional Amendment proposed by House Bill 73 enacted in the 1999 Regular Legislative Session.

SECTION 17. It is the intent of the Legislature that the funds appropriated to the Office of Senate President Pro Tempore in subsection 8 of Section 2A of this act which are not otherwise designated may be expended by the Senate President Pro Tempore for the same purposes as are authorized for the Lieutenant Governor pursuant to Section 29-4-50 Code of Alabama 1975, and the Speaker of the House of Representatives pursuant to Section 29-4-60 Code of Alabama 1975.

SECTION 18. Any unexpended appropriations for the fiscal year ending September 30, 1999 from the General Fund to the Legislature, Office of the Speaker of the House of Representatives, the Lieutenant Governor's Office, or any allotments from appropriations or other line-item appropriations for the Speaker's Office, Lieutenant Governor's Office, Speaker Pro Tempore or President Pro Tempore of the Senate or the Departmental Emergency Fund that did not revert pursuant to House Bill 188 (1999 Regular Legislative Session) are hereby reappropriated to those entities for the fiscal year beginning October 1, 1999.

SECTION 19. All funds collected under Section 40-12-43.1 between the effective date of Act 98-191 and September 30, 2000 are hereby appropriated to the Auburn University Center for Governmental Services for the administration of the examiner certification program established by the Alabama Local Tax Institute of Standards and Training as provided in Section 40-12-43.1.

SECTION 20. It is the intent of the Legislature that the Finance Director shall notify the Chair of the House Ways and Means-General Fund Committee, and the Chair of the Senate

Finance and Taxation-General Fund Committee of any inter-agency transfers, of any type, including contracting, of any of the funds appropriated in this act.

SECTION 21. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 22. All laws or parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this act be and the same are hereby expressly repealed.

SECTION 23. Each agency of the State funded through the provisions of this act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 24. This act shall become effective October 1, 1999.

Approved June 12, 1999

Time: 7:30 A.M.

Act No. 99-442

H. 664 – Reps. Hamilton, Carter and Turner

AN ACT

To amend Section 9-11-257, Code of Alabama 1975, relating to hunting upon certain roads, highways, or railroads, or their rights-of-way, so as to regulate certain hunting within 50 yards of roads, highways, or railroads, and their rights-of-way, with certain exceptions; and to provide penalties for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-257, Code of Alabama 1975, is amended to read as follows:

“§9-11-257.

“Any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, who hunts or discharges any firearm from, upon, or across any public road, public highway, or railroad, or the rights-of-way of any public road, public highway, or railroad, or any person, except a landowner or his or her immediate family hunting on land of the landowner, who hunts within 50 yards of a public road, public highway, or railroad, or their rights-of-way, with a centerfire rifle, a

shotgun using slug or shot larger in diameter than manufacturer's standard designated number four shot, or a muzzleloading rifle .40 caliber or larger in this state, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than two hundred fifty dollars (\$250), and shall be punished for the second and each subsequent offense by a fine of not less than five hundred dollars (\$500) and shall have all hunting license privileges revoked for one year from the date of conviction.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:45 A.M.

Act No. 99-443

S. 8 – Senator Butler

AN ACT

To amend Section 8-9A-1 of the Code of Alabama 1975, to further define the word "claim" to specifically include the nonpayment of child support pursuant to a court order.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-9A-1 of the Code of Alabama 1975, is amended to read as follows:

"§8-9A-1.

"As used in this chapter:

"(1) Affiliate.

"a. A person who directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

"1. As a fiduciary or agent without sole discretionary power to vote the securities; or

"2. Solely to secure a debt, if the person has not exercised the power to vote;

"b. A corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds, with power to vote, 20 percent or more of the

outstanding voting securities of the debtor, other than a person who holds the securities,

"1. As a fiduciary or agent without sole power to vote the securities; or

"2. Solely to secure a debt, if the person has not in fact exercised the power to vote;

"c. A person whose business is operated by the debtor under a lease or other agreement or a person substantially all of whose assets are controlled by the debtor, or

"d. A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

"(2) Asset. Property of a debtor, but the term does not include:

"a. Property to the extent it is encumbered by a valid lien;

"b. Property to the extent it is generally exempt under non-bankruptcy law; or

"c. An interest in property held in tenancy in common for life with cross contingent remainder to the survivor in fee to the extent it is not subject to process by a creditor holding a claim against only one tenant.

"(3) Claim. A right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, and specifically shall include the nonpayment of child support pursuant to a court order.

"(4) Creditor. A person who has a claim.

"(5) Debt. Liability on a claim.

"(6) Debtor. A person who is liable on a claim.

"(7) Includes. Is not a limiting term.

"(8) Insider. Includes:

"a. If the debtor is an individual,

"1. A relative of the debtor or of a general partner of the debtor;

"2. A partnership in which the debtor is a general partner;

"3. A general partner in a partnership described in subparagraph 2; or

"4. A corporation of which the debtor is a director, officer, or person in control;

- “b. If the debtor is a corporation,
 - “1. A director of the debtor;
 - “2. An officer of the debtor;
 - “3. A person in control of the debtor;
 - “4. A partnership in which the debtor is a general partner;
 - “5. A general partner in a partnership described in subparagraph 4; or
 - “6. A relative of a general partner, director, officer, or person in control of the debtor,
 - “c. If the debtor is a partnership,
 - “1. A general partner in the debtor;
 - “2. A relative of a general partner in, a general partner of, or a person in control of the debtor;
 - “3. Another partnership in which the debtor is a general partner;
 - “4. A general partner in a partnership described in subparagraph 3; or
 - “5. A person in control of the debtor.
 - “d. An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
 - “e. A managing agent of the debtor.
- “(9) Lien. A charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.
- “(10) Person. An individual, partnership, corporation, association, organization, government, or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.
- “(11) Property. Both real and personal property, whether tangible or intangible, and any interest in property whether legal or equitable and includes anything that may be the subject of ownership.
- “(12) Relative. An individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined,

and includes an individual in an adoptive relationship within the third degree.

“(13) Transfer. Every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

“(14) Valid lien. A lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:01 A.M.

Act No. 99-444

S. 322 – Senator Holley

AN ACT

To create the Alabama Senior Services Trust Fund in addition to any funds appropriated to the Alabama Commission on the Aging or its successor; the trust fund shall be used to expand the delivery of services to the elderly population in Alabama; and to provide for funding.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby created the Alabama Senior Services Trust Fund as a separate fund in the State Treasury. The trust fund shall be administered by the Secretary/Treasurer of the Retirement Systems of Alabama, which shall be entitled to a reasonable fee for the administration. All investments shall be made pursuant to the same authority and restrictions that apply to the investment of funds of the Retirement Systems of Alabama.

(b) Funding to the Alabama Senior Services Trust Fund shall be from the distribution of Tobacco Settlement Proceeds as enacted in House Bill 323 of the 1999 Regular Session. Distributions to the trust fund shall be made each fiscal year that the State receives proceeds from the Tobacco Settlement.

(c) Earnings in the trust fund shall not be subject to appropriation until the Legislature includes an appropriation in the general appropriations act from the trust fund to the Commission on the Aging or its successor. Appropriations by the Legislature from the trust fund to the Commission on the Aging or its successor

shall equal 85 percent of the earnings of the prior year and shall be utilized to acquire maximum federal dollars available to be used to provide benefits and services to Alabama's elderly. The remaining 15 percent of the earnings shall be retained in the trust fund and reinvested as other monies are invested in the trust fund.

(d) Any funds appropriated pursuant to this section shall be additional funds distributed to the Alabama Commission on the Aging or its successor and shall not be used to supplant or decrease existing state or local support to the Alabama Commission on the Aging or its successor. Appropriations from the trust fund shall be used to both expand existing services and create new services for Alabama's elderly.

(e) No funds shall be withdrawn or expended from this fund except as budgeted and allotted according to the provisions of Section 41-4-80 to 41-4-96, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriations acts.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:03 A.M.

Act No. 99-445

S. 76 – Senator Bedford

AN ACT

To require the language in sweepstakes solicitations indicating the circumstances or provisions under which the person being solicited will be eligible to receive a prize to be in print that is clear, easily read, and conspicuous.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this act, the following words shall have the following meanings:

(1) **PERSON.** An individual, corporation, company, partnership, estate, trust, association, foundation, cooperative, or any other legal entity.

(2) **PRIZE.** Any item of value given to a winner in a sweepstakes who has been selected on the basis of lot or chance.

(3) **QUALIFYING LANGUAGE.** The language in the solicitation that accompanies the representation that the person being solicited

has won or has been selected to receive a prize and that indicates the circumstances or provisions under which the person being solicited will be eligible to receive the prize. The term includes, but is not limited to, language which requires the person to perform some act, to submit information, to hold the winning number, or for the person's assigned numbers to be drawn by the sponsor of the sweepstakes.

(4) **SWEEPSTAKES.** A legal contest or game where anything of value is distributed by lot or chance.

Section 2. (a) It shall be unlawful for any person to solicit or sell a product or service through the mail by implying or expressly representing in the solicitation that the person being solicited has won or has been selected to receive a prize or purported prize unless the qualifying language appears in print that is clear, easily read, and conspicuous.

(b) A person who suffers damage as a result of a violation of subsection (a) may bring a civil action against the sponsor or promoter of the solicitation, or both. Damages shall not exceed three times the compensatory damages of the party claiming punitive damages or five hundred thousand dollars (\$500,000), whichever is greater.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:02 A.M.

Act No. 99-446

S. 378 – Senators Barron, Enfinger,
Dixon, Dial, Biddle,
Means, Lindsey, and
Bedford

AN ACT

To create the Alabama Improvement District Act; to provide for the creation of improvement districts; to allow for the issuance of revenue bonds to finance certain improvements within the district, such as streets, water systems, sewers, sidewalks, and recreational facilities; to provide a mechanism for assessment against the improvements; and to provide for the issuance of revenue bonds to finance those improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. The following new sections are added as a new Chapter 99A, to Title 11 of the Code of Alabama 1975, to read as follows:

Chapter 99A. ALABAMA IMPROVEMENT DISTRICT ACT.

Section 11-99A-1. Name. This chapter shall be known and may be referred to as the "Alabama Improvement District Act."

Section 11-99A-2. Definitions. In this chapter the following words shall have the following meanings:

(1) APPOINTING GOVERNMENT. The municipality or county that approves the creation of a district and appoints members to the board.

(2) BOARD. The board of directors of a district.

(3) CONTIGUOUS. Two tracts of land if touching for a continuous distance of not less than 200 feet. The term includes tracts of land divided by bodies of water, streets, railroad or utility rights-of-way, or by land owned by any public person. In determining whether land is contiguous with a municipality, (i) land separated by bodies of water, streets, or railroad or utility rights-of-way is contiguous even though the bodies of water, streets, or rights-of-way are within the city limits of another municipality and (ii) land separated by land owned by a public person is not contiguous if the land owned by the public person is within the city limits of another municipality.

(4) COUNCIL. The governing body of a county or municipality.

(5) DISTRICT. A body corporate formed in accordance with this chapter, having the powers granted under this chapter.

(6) IMPROVEMENTS. Any improvement to land within a district, or outside a district providing benefit to land within the district, including, without limitation, any of the following:

a. Any system for providing water to the occupants of land within the district, and extensions of any existing water system for providing water, including, without limitation, wells, water treatment facilities, water transportation and distribution lines, water mains, water tanks, pumps, and any other water storage, treatment, purification, and distribution facilities or systems.

b. Sanitary sewer systems and extensions to existing sewer systems, including, without limitation, sewer treatment facilities and sanitary sewer lines pump stations.

c. Storm sewer systems, including extensions to existing storm sewer systems, including drains, above-ground drainage systems, underground drainage systems, sewer lines and mains, and culverts.

d. Utilities providing benefit to property within the district, including, without limitation, customer-owned electrical substations,

gas lines, garbage and solid waste disposal plants, and any other utilities and facilities for providing such utilities.

e. Streets, bridges, curbs, gutters, drainage, both above and below ground, grading, on or off street parking, sidewalks, street lighting, lighting for any public place, traffic control systems, traffic lights, signage, guardrails, any and all other improvements for providing transportation within and into or out of or otherwise benefiting the land within the district.

f. Public parks, public lakes, dams, public recreational facilities, including, without limitation, facilities for athletics, golf, and boating, and driving ranges, ballfields, tennis courts, swimming pools, concession stands, and any associated or useful facilities in connection therewith.

g. Flood control dams, dikes, levies, rip rap, embankments, berms, and other improvements to control flooding or erosion.

h. Fire protection facilities, including fire hydrants, fire stations, and fire monitoring equipment.

i. Railroad lines and spurs.

j. Docks, harbors, wharves, and any related facilities for transferring goods to or from boats, barges, and other forms of water transport.

k. Facilities for providing police protection, police or sheriff stations, police or sheriff substations, and security monitoring equipment.

l. Schools, school grounds, playgrounds, athletic fields, and cafeterias.

m. Landscaping.

n. Fountains, distinctive lighting, and signs.

o. Acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks, streets, or their rights-of-way.

p. Acquisition, construction, installation, or improvement of pedestrian malls.

q. Acquisition and installation of pieces of art.

r. Acquisition, construction, or improvement of public libraries.

s. Acquisition, construction, or improvement or rerouting of mass transportation facilities.

t. Airports, air traffic control, and other air transportation facilities.

u. Any improvements benefiting the general public or residents or anticipated residents of the district, including provision of utilities, improving their health and sanitation, hospitals and other medical facilities, public safety, security, facilitating business recruitment, industrial recruitment, cultural enhancement, or otherwise improving the quality of life, whether or not otherwise described in this definition or this act and whether or not *sui generis* with the remaining provisions of this definition.

v. Payment of expenses incurred in the establishment, administration, and operation of the district, including reasonable reserves and replacement funds and the cost of issuance of bonds, whether or not incurred before the establishment of the district, including reimbursement of costs paid by private persons to the extent approved by the board.

w. The maintenance, repair, or replacement, extension, extension reconstruction, improvements, capital or otherwise, modification, razing, or other modification of any improvement.

x. Any or all of the above within the territorial boundaries of the district or, to the extent providing benefit to land within the district, outside the district, whether or not within the corporate limits of the municipality or the boundaries of the county creating the district.

Nothing in this act shall authorize the use of bonds, assessments, or tax exemptions for the acquisition, equipping, or construction of property to be owned by any person other than a utility company, the district, or another public person. By way of example and not limitation, "improvements" shall not include gambling or gaming establishments.

(7) **MUNICIPALITY.** An incorporated city or town in the state.

(8) **OWNER.** The person or persons in whose name property within a district is assessed for ad valorem property tax purposes. Notwithstanding the preceding sentence, in the case of a trust, the owner of the property is the trustee; in the case of an estate, the owner of the property is the executor or administrator; in the case of a minor, the owner of the property is the guardian, or other personal representative. "Owner" only includes the holders of present interests, and not the holders of future interests in property. In the case of land with respect to which a person owns an option to purchase or a contract to purchase, the holder of the option or purchase contract shall be considered the owner, rather than the person holding legal title to the real estate, provided that the person owning an option or real estate contract certifies under oath that the person will purchase real estate in accordance with the option

or purchase contract within 30 days after formation of the district and demonstrates to the reasonable satisfaction of the municipality or county that the person is capable of making a purchase.

(9) **PUBLIC NOTICE.** Notice published in a newspaper of general circulation within the appointing government. If there is no newspaper, at the option of the board or council giving public notice, as appropriate, public notice in a newspaper of general circulation in the appointing government or by posting in three prominent locations within the municipality or county, at least one of which shall be in the city or town hall of the municipality or county courthouse of the county, as applicable. Public notice shall be published in two consecutive weeks commencing at least eight days before the meeting for which public notice is being given.

(10) **PUBLIC PERSON.** The United States of America, the state, any county, any municipality, and any public corporation a majority of the members of which are appointed by any public person, and any agency or political subdivision of any public person.

(11) **STATE.** The State of Alabama.

(12) **STREET.** Any road, highway, alleyway, street, or other public right-of-way.

(13) **BONDS.** Bonds, warrants, negotiable instruments, and any other evidences of indebtedness, whether or not negotiable.

Section 11-99A-3. Conduct of Hearings. A hearing described in this chapter may be held only after giving public notice. However, public notice of regularly scheduled meetings of a council is not required. A hearing may be adjourned from time to time until the board or council makes findings by resolution as to the expedience of the matter being considered. Where this chapter requires written personal notice of a hearing, notice may be given by deposit in the United States mail, first class postage prepaid, no later than the eighth day before the date of the hearing.

Section 11-99A-4. Establishment of Districts.

(a) One or more owners of land wishing to form a district in a municipality or a county may petition the municipality or county to form a district as follows:

(1) The owners shall prepare a written petition executed by the owners of all land proposed to be included within the district.

(2) The petition shall include a description of the tract or tracts of land proposed to be included within the district, which may include less than all of any individual tract of land. The description shall be sufficient if it refers to tax assessment tracts in accordance with the tax assessor's numbering or other reference

system, by metes and bounds, by subdivision lot, by reference to recorded deeds, or by other reasonable reference method.

(3) The petition shall include a map or plat of the proposed district, showing that, if the district is created, (a) with respect to a petition being submitted to a municipality, the land will be contiguous with land presently within the city or town limits of the municipality, whether or not all the land is presently within the corporate limits of the municipality and (b) with respect to a petition being submitted to a county, the land will be contiguous.

(4) The petition shall designate no more than three persons to act as agents in representing the owners before the municipality or county. The persons need not be owners of the subject land.

(b) Any land proposed to be included within a district formed by a municipality may not be within the municipal limits of any municipality other than the municipality to which the petition is being made. Any land proposed to be included within a district formed by a county may not be within the municipal limits or the territorial jurisdiction under subsection (a) of Section 11-52-30, Code of Alabama 1975, of any municipal planning commission of any municipality except with the consent of that municipality. Any land proposed to be included within a district formed by a county may not be within another county except with the consent of that county.

(c) A petition shall contain a proposed form of articles of incorporation for the proposed district, which shall include the following information:

a. The name of the district and that the district is organized pursuant to the provisions of this chapter.

b. The names and mailing addresses of the incorporators.

c. The name of the appointing government.

d. The names and addresses of the members of the initial board of directors of the district and their initial terms of office.

e. The period of duration of the district, which may be perpetual.

f. The location of the principal office of the district.

g. Any other provisions not inconsistent with this chapter, including any limitations on the power of the district.

(d) A petition shall contain a proposed name for the district substantially in the form of "_____ Improvement District," which name shall be sufficient to distinguish the district from other districts of the same appointing government.

(e) Upon receipt of a petition, the municipality or county shall confirm that the persons executing the petition are the owners of all land proposed to be included within the district.

(f) If the council considers the formation of a district expedient, the council may, by resolution, approve the formation of the district and the articles of incorporation therefor, and appoint three persons as the initial board of directors of the district.

(g) The three or fewer persons designated by the owners to represent them shall execute and cause to be recorded in the office of judge of probate in the county in which the district exists, and if in more than one county, in all such counties, the articles of incorporation as approved by the appointing government. Upon recordation, the district shall be formed as a body corporate, having the powers stated in this chapter. The acceptance of articles of incorporation for recording by the judge of probate shall be conclusive evidence of the due, legal, and valid incorporation of the district in all courts.

Section 11-99A-5. Validity of Petition to Form or Amend District. No petition for the formation of a district with the requisite signatures shall be declared void on account of defects. The council of the appointing government, at any time, may permit the petition to be amended to conform to the facts or this chapter by correcting any errors in the description of the territory or in any other particular.

Section 11-99A-6. Powers of a District. Any district shall have the following powers, in addition to those stated elsewhere in this act:

(1) To have perpetual existence, subject to termination as herein provided.

(2) To have and use a corporate seal, but the use of a corporate seal on any document shall not be required for the validity of a document or the due execution and delivery thereof.

(3) To sue and to be sued and to be a party to suits, actions, and proceedings, but subject to the limitations on liability and the immunity granted in this act.

(4) To enter into contracts and agreements affecting the affairs of the district, including contracts with the United States of America and any other public person.

(5) To borrow money and to incur indebtedness and to evidence the same by bonds, all without an election.

(6) To acquire and dispose of land, real property, personal property, and interests therein of any nature.

(7) To acquire, construct, install, and operate improvements and all property, rights, or interests incidental or pertinent thereto,

and to dispose of real and personal property and any interest therein, including leases and easements and options to purchase in connection therewith; provided, however, that nothing in this chapter shall authorize a district to construct, own, or operate a system for the generation, transmission, or distribution of electric power, cable television or internet system, or telecommunications utility or to be in the business of providing electric energy, cable television, internet, or telecommunications services.

(8) To refund any bonds of the district without an election.

(9) To have the management, control, and supervision of all the business and affairs of the district, and of the acquisition, construction, installation, and operation of improvements therein.

(10) To enter into contracts with one or more owners of property within the district relating to the acquisition, construction, or installation of improvements. Without limitation, contracts may require owners to connect their properties with gas, water, or sewer mains or other utilities in the streets in front of, at the rear of, or otherwise adjacent or near to their properties prior to the paving or final paving of roads on which their properties front. In addition, to the extent not subject to a bid law, contracts may specify the improvements to be made in general or particular terms, the choice of construction companies or other contractors, consultants, or professionals, choice of underwriter, trustee, fiscal agent, attorneys, engineers, and all other matters relating to the acquisition, construction, and installation of the improvements, the levying of assessments, or the issuance of bonds.

(11) To contract with any public person for the purpose of providing any materials or any work with respect to the acquisition, installation, or construction of improvements, and any contracting with any public person shall be exempt from any laws relating to the advertising and award of construction contracts and purchase contracts, including, without limitation, Article 3 of Chapter 16 of Title 41.

(12) To purchase liability and other forms of insurance.

(13) To hire and compensate employees and contractors, to provide retirement and other forms of deferred compensation, to provide fringe benefits, and to otherwise contract with employees and contractors.

(14) Except to the extent limited in the district's articles of incorporation, to have and exercise the power of eminent domain in the manner provided by law to obtain private property for the purposes of the district including, without limitation, proceedings under Title 18, Chapter 1A, Code of Alabama 1975, as a condemner. However, a district may not exercise the power of eminent domain without the consent of the council of the appointing government.

(15) To adopt and amend bylaws not in conflict with the articles of incorporation and the laws of this state.

(16) To enter into contracts and agreements with any landowner, owner, or any other person concerning the installation, construction, or acquisition of improvements, assessment of the costs thereof, the waiver or limitation of legal rights, or any other matter concerning the district or the improvements.

(17) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter. A specific power shall not be considered as a limitation upon any power necessary, useful, or appropriate to carry out the purposes and intent of this chapter.

(18) To allow utilities or similar entities to use any rights-of-way on which the district is developing any improvements or has developed any improvements.

(19) To take official action with respect to the reimbursement of costs with bond proceeds.

(20) To enter into contracts, agreements, options, leases, deeds, and other instruments, and to take other actions as may be necessary or convenient to accomplish any purpose for which a district is organized or to exercise any power expressly granted hereunder.

(21) To dedicate or grant streets, sidewalks, parks, any other improvements, easements, rights-of-way, and other interests in property to the public, to a public person, or to a utility provided that nothing herein shall require a public person to accept the dedication without an affirmative act of acceptance by the public person.

Section 11-99A-7. Immunity. Districts, the members of the board, its officers, and agents shall have the same immunity from liability as a municipality and its officers. No civil action shall be brought or maintained against the district or any director thereof for or on account of the negligence of a district or director or its or his or her agents, servants, or employees in or about the construction, acquisition, installation, maintenance, operation, superintendence, or management of any facility or other improvement owned, controlled, maintained, or managed by the district.

No civil action may be maintained against an appointing government, its officers, servants, employees, or agents relating to any facility or other improvement owned, controlled, maintained, or managed by the district.

Section 11-99A-8. Internal Operations of a District. (a) Each board shall have a chair, a secretary, and a treasurer, or a secretary-treasurer, and may have a vice-chair and other officers as the board may determine from time to time.

(b) All proceedings of a board and of all committees of the board shall be recorded in minutes, which shall be maintained and available for inspection by the appointing government.

(c) All funds of a district shall be deposited or invested as directed by the board. However, funds received by the district from a public person and not from assessments shall be deposited or invested only in a manner as a public person may invest or deposit funds.

(d) Any member of a board and any officer may call a special meeting of the board as may be permitted by the bylaws or resolutions of the board. Personal notice may be waived by any members of the board before, at, or after a meeting by waiver in writing signed by the person giving the waiver. The attendance of any member of the board at any meeting of the board shall constitute a waiver of notice unless attendance is made exclusively for the purpose of protesting the means of calling the meeting, and the person otherwise does not participate in the meeting.

(e) Any meeting that is called at which a quorum is not present may be adjourned by announcement at the meeting of the date to which it is adjourned, and may be reconvened at a time as a quorum shall become available.

(f) A quorum of a board shall consist of a majority of the members of the board. Actions of the board shall be taken by a majority of those present, if a quorum is present, unless a higher percentage is provided for in the articles of incorporation or bylaws.

Section 11-99A-9. Appointment of Board Members. A board shall have the number of members specified in the articles of incorporation, but not less than three nor more than 11. Members of the board shall be appointed by the appointing government. The articles of incorporation shall specify that the members of the board serve for staggered terms, with one-third, or as near to one-third as is practical, of the initial members serving for one year, with one-third, or as near to one-third as is practical, of the initial members to serve for two years, and with one-third, or as near to one-third as is practical, of the initial members to serve for three years. Thereafter, the successors to members of the board of directors shall serve for three-year terms. The proceedings of the appointing government by which members of the board are appointed shall specify the term for which the appointment is made. Upon the expiration of the term of office of any member of the board, the person shall remain a member of the board until his or her successor has been duly appointed by the appointing government. Members of the board need not be owners, residents, electors, or taxpayers of the appointing government or the state.

Section 11-99A-10. Annexation Incidental to Formation of District. The petition for the formation of a district by a municipality may include land that is not within the corporate limits of the municipality provided that the land is, taken as a whole, contiguous with land within the corporate limits of the municipality. In such a case, upon the formation of the district, all land within the districts shall become automatically annexed into and a part of the municipality.

Section 11-99A-11. Assessment of District Land. A district may petition the appointing government to assess some or all of the land within the district for the purpose of acquiring, constructing, or installing improvements, in accordance with the following procedure:

(1) The board shall prepare plans for the acquisition, construction, or installation of the improvements. The plans shall include a reasonable description of the improvements and an estimate of the cost of the improvements.

(2) The proposed assessment of each tract in the district, based on the estimated increase in value of each tract resulting from the special benefits derived from the proposed improvements, and consistent with Section 223 of the Constitution of Alabama of 1901.

(3) The petition shall further include either a document executed by each owner within the district approving the petition, or a certification that an election has been held within the district, and that the owners of 51 percent or more of the land within the district that will be subject to assessment and 51 percent or more of the residents of the district have voted in favor of the assessment.

(4) Except as provided in Section 11-99A-47, the district must comply with all state, county, and municipal laws, rules, and regulations and the district must obtain all approvals that may be required by the appointing government or the government within which the district is located.

Upon receipt of the petition by the council, the council shall determine what approvals may be required by the appointing government in addition to the approval of the council, including, but not limited to, approval of zoning, subdivision, fire regulations, and other ordinances, rules, codes, and regulations of the appointing government, and if other approvals are required, the appointing government shall forward the petition, or applicable portions thereof, to the appropriate boards and agencies to consider whether to grant the petition and to notify the district of the necessity of obtaining approvals. The petition shall be held by the appointing government in abeyance until all approvals as may be required have been received, or variances or exceptions granted.

Failure to notify the district of any required approval shall not relieve the district from complying with the required approval. No cause of action may be maintained against the appointing government, its officers, employees, servants, or agents for failure to notify the district of any required approval.

(5) Upon receipt of all required approvals, variances, or exceptions, the council shall conduct a hearing with respect to the petition, and if considered expedient by the council, the council may preliminarily assess the property within the district as proposed in the petition and shall further take any actions with respect to tax exemptions considered expedient under subsection (c) of Section 11-99A-20, Code of Alabama 1975.

(6) In the event that the board determines that it is necessary to amend its petition to the appointing government in order to conform to its rules, regulations, and ordinances, or to obtain variances and exceptions as may be appropriate, or to obtain approval of the petition by the council, the board may do so.

Section 11-99A-12. Contracting for Improvements. Upon the making of the preliminary assessment, the board shall prepare contracts and bid specifications, and shall bid or otherwise contract for the acquisition, construction, or installation of all the improvements as specified in the petition. In general, all contracts shall be bid in accordance with applicable state law. However, if an improvement or a portion of an improvement is to be paid for exclusively with funds provided through assessments under this chapter or by the owners or on behalf of the owners, and not from any revenues, taxes, or funds of the appointing government, the contracting for the acquisition, construction, or installation of the improvement or portion thereof shall be exempt from all laws relating to the advertising and award of construction contracts and purchase contracts, including, without limitation, Article 3 of Chapter 16 of Title 41 and Title 39, and shall be performed in the sole discretion of the board. All contracts and bids shall be contingent upon the issuance of a final assessment by the appointing government as hereinafter provided.

Notwithstanding the foregoing, the board may contract for and commence the acquisition, construction, or installation of one or more improvements or a portion of one or more improvements in advance of a preliminary or final assessment, provided that the contract for the acquisition, construction, or installation is exempt from laws relating to the advertising and award of construction contracts and purchase contracts under this section.

Section 11-99A-13. Final Assessment. Upon the entry into contingent contracts or receipt of contingent bids, the board shall

submit to the council a recommended final calculation of the cost of acquiring, installing, or constructing the improvements. Upon receipt of the calculation, the council shall, if it considers it expedient, declare the assessment final, with adjustments as may have been recommended by the board. The final assessment of each tract in the district shall be based on the estimated increase in value of each tract resulting from the special benefits derived from the improvements, and consistent with Section 223 of the Constitution of Alabama of 1901. If the council considers the recommendation inexpedient, the council shall advise the board of the reasons for its determination, and the board may submit a revised recommendation to the appointing government.

Section 11-99A-14. Payment of Assessments.

(a) Each assessment shall constitute a lien on the property assessed in the amount of the assessment with respect to that parcel of land, as provided in the final assessment, forecloseable as provided in this chapter. The assessment shall be payable either within 30 days after the final assessment or over such term as may be determined by the board. If the assessment is to be paid over a term, the assessment shall accrue interest and be payable periodically, monthly, quarterly, semiannually, annually, or as otherwise provided by the board, with interest at a rate as may be considered reasonable by the board. In particular, the assessment may bear interest at the same rate or yield borne by the bonds issued to obtain funds to acquire, construct, or install the improvements, but interest may be at a higher rate in the discretion of the board. Once the amount of a final assessment allocated with respect to a tract is paid in full, with all interest and penalties and costs of collection, if any, such tract shall be released from the lien of the assessment.

(b) The proceedings by which an assessment is levied may provide for an increased interest rate with respect to any interest accruing on any payment after the due date thereof.

(c) In its proceedings, the board may specify that assessments may be prepaid at any time or circumstance. The board may specify that assessments be prepaid upon the sale of the tract of land, or a portion thereof, being assessed. If the obligation to pay is accelerated, the assessment shall include all principal of the assessment then unpaid, plus interest until the next date provided for the payment of principal on any bonds secured by a pledge of the assessments, unless otherwise provided in the proceedings pursuant to which the bonds are issued.

(d) Unless otherwise provided in the proceedings of the board with respect to the assessment, any assessment may be voluntarily

prepaid by the owner of the land assessed. In that case, the amount prepaid shall be applied first to interest until the first following date on which principal may be paid under the bond, and then to principal. However, if provided in the proceedings of the board with respect to the assessment, prepayments, whether voluntary or mandatory, the amount prepaid may be applied only to interest accrued to the date of the prepayment, and then to principal.

(e) Alternatively, the proceedings of the board with respect to the assessment may provide that prepayment shall be applied first to accrued interest, and then to the difference between: (1) interest that will accrue from the date of prepayment until the next principal payment on the bonds, and (2) the rate of interest at which the principal paid may be invested by the board to earn interest from the date of prepayment until the principal payment date, with any remaining balance to be applied to principal.

(f) The proceedings of the board with respect to the assessment may provide that any mandatory prepayment may be waived by the board on the terms as may be provided in a proceeding.

(g) If bonds are issued with respect to the final assessment, the assessments shall either (a) total the principal amount of the bonds to be issued with respect to the assessments or (b) total such principal amount multiplied by a coverage ratio (e.g., 1.2 to 1) providing debt service coverage for the bonds in the ratio desired by the board.

Section 11-99A-15. Issuance of Bonds by District.

(a) A district may borrow money by the issuance of bonds, which bonds shall be revenue obligations, payable exclusively out of assessments levied on land within the district, and the bonds shall not be supported by the full faith and credit of the appointing government. However, the bonds may be secured by additional revenues, guarantees, pledges, letters of credit, or other credit enhancements as may be provided by the district, the owner of any property within the district, or any other person, to the extent provided in the proceedings of the board with respect to the issuance of the bonds.

(b) Bonds of a district shall be signed by its chair and attested by its secretary, the seal of the district may be affixed thereto, and any interest coupons applicable to the bonds shall be signed by the chair; provided that: (1) a facsimile of the signature of the officers may be printed or otherwise reproduced on any bonds in lieu of being manually subscribed thereon, (2) a facsimile of the seal of the district may be printed or otherwise produced on any bonds in lieu of being manually affixed thereto, and (3) a facsimile of the chair's signature may be printed or otherwise reproduced on any

interest coupons in lieu of being manually subscribed thereon; provided that the bonds have been manually authenticated by a transfer agent of the bond issue. Delivery of the bonds executed shall be valid notwithstanding any changes in officers or in the seal of the district after the signing and sealing of the bonds.

(c) Bonds may be issued for the cost of acquiring, installing, and constructing the improvements, any reasonable reserve funds for contingencies or for debt service, for interest accruing during the construction period and for up to five years thereafter, for the costs of issuance, the costs of levying the assessments, the costs of forming the district, the costs of designing and planning the improvements, and for all other incidental costs even though incurred before the formation of the district or before the issuance of the bonds.

(d) Bonds issued by a district shall not be indebtedness of the appointing government or any public person other than the district, and shall not be counted against the debt limit of any county or municipality, except to the extent guaranteed by the appointing government or other public person.

(e) The appointing government and any other public person may guarantee or pledge revenues to the payment of any bonds on such terms as it considers appropriate, including a pledge of its full faith and credit. A revenue pledge may, without limitations, include a pledge of revenue increases deemed to have resulted from the construction, acquisition, or installation of the improvements as determined by resolution or ordinance of the public person making the pledge.

(f) Upon the adoption by a board of any resolution providing for or anticipating the issuance of bonds, the district may, either before, upon, or after issuance of bonds, publish once a week for two consecutive weeks in a newspaper of general circulation in the appointing government, a notice in substantially the following form, the blanks being properly filled in, at the end of which shall be printed the name and title of either the chair or secretary of the district: “_____, a municipal improvement district organized under the laws of the State of Alabama, on the ____ day of _____, adopted a resolution with respect to the issuance of not more than \$ _____ principal amount of [revenue or other appropriate designation] bonds of the district for purposes authorized in the act of the Legislature of Alabama under which the district was organized. Any action or proceeding questioning the validity of the bonds, any pledge or mortgage to secure the same, the assessments made with respect to the bonds, or the proceedings authorizing the same shall be commenced within 20 days after the first publication of this notice.” Any action or proceeding in any court

questioning the validity of the bonds, any pledge or mortgage to secure the same, the assessments made with respect to the bonds, or the proceedings authorizing the same shall be commenced within 20 days after the first publication of a notice. After the expiration of the period, no cause of action, counterclaim, setoff, or defense questioning any of the foregoing may be asserted in any court on any ground whatsoever except in an action or proceeding commenced within the period for such purpose.

Section 11-99A-15. Term of Bonds and Assessments.

Bonds issued by a district shall be for a term approximately coextensive with the term provided for payment of the assessments.

Section 11-99A-16. Exemptions of District - Usury and Interest Laws.

The rate of interest borne by the assessments shall be exempt from all usury laws or laws prescribing or restricting the rate of interest. Each district organized under this chapter is exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8.

Section 11-99A-17. Pledge of Assessments.

If bonds are issued with respect to an assessment, all proceeds of the assessment shall be pledged to secure payment of the bonds and shall be paid directly by the property owners to the board or to a trustee or other holder of funds as may be appointed by the board for the benefit of the holders of the bonds.

Section 11-99A-18. Refundings.

Any bonds issued by a district may be refunded by the district, and upon refunding, by current or advance refunding, the term for payment of the assessments shall be modified to the term of the newly issued bonds. If the refunding results in a lower interest rate from that borne by the refunded bonds, the board may adjust the interest rate borne by the assessments accordingly.

Section 11-99A-19. Excess Funds.

Following the completion of the acquisition, construction, or installation of the improvements, if there are excess funds, either from bond proceeds or from assessments, after fully funding all reserves, contingency funds, or the like, the excess funds, either from bond proceeds or from assessments, shall be used to prepay the bonds at the earliest date on which the bonds may be prepaid or redeemed at a penalty or premium of two percent or less, and the amount of the outstanding assessments may be proportionately

reduced to reflect prepayment of principal. Upon payment of the bonds in full, other than by refunding, all unpaid assessments may be terminated and cancelled or may be continued, as determined by the board. Any proceeds of assessments remaining or received after payment of the bonds in full shall be disposed of or used to construct, install, or acquire additional improvements, to refund assessments in a manner determined equitable by the board, or as otherwise provided in the board's proceedings with respect to issuance of the bonds.

Section 11-99A-20. Exemption from Taxation.

(a) Each district, and the bonds and interest and income on the bonds of the district, shall be exempt from all taxation by the state or any other public person and all of its property, purchases, sales, and usage, and the recordation of its mortgages, indentures, deeds, or other instruments to which the district is a party or which reflect the securing of any bonds of the district shall be exempt from all taxation and recording fees. The income of a district shall be exempt from all taxation.

(b) The purchase, acquisition, and installation of materials for improvements by a district shall be exempt from all sales and use taxes, gross receipts taxes in the nature of a sales or use tax, or taxes measured by the amount of the purchase, whether levied on the vendor, contractor, subcontractor, or the district. The Department of Revenue shall issue regulations to provide a simple procedure to allow contractors and subcontractors to make purchases of materials for use in acquiring, constructing, or installing improvements for a district free of sales and use taxes or gross receipts taxes in the nature of a sales tax. Nothing in this chapter shall allow the exemption of sales or use taxes on purchases, acquisitions, or installations that would not be exempt if purchased, acquired, or installed directly by the appointing government.

(c) Notwithstanding the foregoing, the appointing government may at or prior to making a preliminary assessment: (1) Require the payment of fees in lieu of taxes or (2) Limit or restrict or rescind one or more of the tax exemptions provided in this section.

Section 11-99A-21. Failure to Pay Assessments.

(a) If the owner of any land within the district fails to pay an assessment when due, time being of the essence, the board may commence proceedings to foreclose on the land as follows:

(1) The board shall send a letter, certified mail, return receipt requested, United States first class mail to the last known address of the owner. The address of the owner as shown in the tax assessment

records of the tax assessor for the county in which the property is located shall be sufficient.

(2) The letter shall specify that if payment is not made within 10 days of the date of the letter, foreclosure proceedings may be commenced.

(3) Any late payment received within the 10 day period will accrue a late fee of the greater of five percent of the payment or fifty dollars (\$50).

(4) If payment is not made within the 10 day period, the entire assessment shall become immediately due and payable, and the board may do either of the following:

a. File a complaint in the circuit court for the county in which the property is located requesting that the property be foreclosed. Thirty days following service of process, unless the entire assessment is paid in the meantime, the court shall enter a decree declaring that the property shall be sold to the highest bidder.

b. Proceed to sell the property against which the assessment is made to the highest bidder for cash.

c. In either case, the sale shall be made after first giving public notice of the date and time of the sale and the purpose for which the same is made, together with a description of the property to be sold; and that the proceeds from the sale shall first be applied to the amount of the assessment and all accrued interest thereon, plus penalties specified in subdivision (3), plus the attorneys' fees and other expenses incurred by the board in the foreclosure and suit.

(5) If the agent concludes that no bidders are present or that all bids are insufficient, the agent may announce that the auction shall be continued to a later date to be announced by public notice.

(6) Upon declaring the highest bidder and receipt of the purchase price, an agent of the board shall make out a foreclosure deed to the highest bidder. The owner of the property shall have no right of redemption unless otherwise provided in the board's proceedings with respect to the assessment.

(7) The purchase price shall be used first for the payment of the assessment, then for the cost of collection, suit, foreclosure, and deed preparation, then for penalties, then for accrued interest and interest until the next principal payment date of bonds as provided in this act with respect to prepayments of assessments, and then for the unpaid principal amount of the assessment, and any remaining portion shall be paid to the owner of the land at the owner's last known address as shown in the records of the tax assessor with respect to such tract of land.

(8) The board may bid on any sale the same as any other person, and may credit any portion of the assessment and other costs as a part of its bid.

(9) If the highest amount bid and accepted is insufficient to pay the entire assessment, the board and holders of the bonds shall have no further claim against the owner of the land assessed by virtue of the assessment.

(10) Any foreclosure deed shall make no warranty with respect to the title to the land other than as expressly stated therein.

(11) At any point in the foreclosure proceedings, until a bid is accepted, the board may waive the default on terms as it may consider proper and reinstate the assessment, subject to any contrary terms of the board's proceedings with respect to the bonds.

Section 11-99A-22. Amendments of District.

A board may submit to the appointing government a petition for amendment of the district, to alter its boundary lines, to add additional property contiguous to the municipality (in the case of a district formed by that municipality) or to the district, or to make an amendment in the articles of incorporation as the board may consider expedient. The council may approve changes, and upon approval, changes shall become effective. To the extent the articles of incorporation are to be amended, the board shall, following a hearing, make an amendment to the articles of incorporation to be forthwith recorded in the office of judge of probate of the county or counties in which the district is located, reflecting the approved amendment. If the amendment adds additional land to a district formed by a municipality, upon the recording of such amendment, such additional land shall be deemed annexed into the municipality. However, no land shall be added to a district by amendment except with the written consent of the owners of such land.

Section 11-99A-23. Conduct of Elections.

(a) In any instance where this chapter requires or authorizes the conduct of an election or a vote of owners of land within or electors of a district, public notice of the election shall be given not less than 30 days in advance of an election.

(b) An election under this chapter shall be held at a location convenient to the district selected by the board or appointing government.

(c) An election under this chapter shall otherwise be conducted by the appointing government or board by secret ballot. All costs associated with the election shall be borne by the district.

Section 11-99A-24. Dispute as to Ownership.

If there is a dispute as to the true owner of any property within a district, the board shall resolve a dispute in accordance with this chapter, and the determination may not be overturned by any court unless the determination is found to be arbitrary and capricious.

Section 11-99A-25. Failure to Provide Notice.

In any case where notice is provided for in this chapter, if the board or appointing government finds for any reason that due notice was not given, the board or appointing government shall not thereby lose jurisdiction and the proceedings shall not be voided, but if the proceeding is continuing, the board shall hold the proceedings in abeyance until due notice is given, and shall continue the proceeding as though notice had been properly given in the first instance. If the proceedings are not continuing, the board or appointing government shall provide an opportunity for the person or persons failing to receive notice to be heard, and after having heard the person, the board or appointing government may make modifications in the assessments, plans, improvements, or bond issue as it may deem appropriate.

Section 11-99A-26. Multiple Assessments.

A board, by the proceedings described in this act, may request the appointing government to levy one or more than one assessments, on some or all of the property in the district, and no property shall be exempt from assessment due to the fact that it is presently subject to another assessment. If the board determines that certain property within the district is not benefited by any particular improvement, the board shall not request the appointing authority to levy an assessment on property for the improvement.

Section 11-99A-27. Dissolution and Liquidation.

If at any time a district has no assessments outstanding, and has paid all its indebtedness, the board may adopt a resolution recommending to the appointing government that the district be dissolved and liquidated. Upon delivery of a copy of the resolution to the council, the council, if it considers it expedient, may adopt a resolution declaring the district dissolved. Upon the adoption of a resolution, the board shall proceed to distribute all property in the district to the appointing government, or to other public persons as may be directed by the council or as otherwise provided in the district's articles of incorporation. Upon distribution, the district shall cease to exist.

Section 11-99A-28. Reimbursement of Appointing Government Costs.

If the council of an appointing government considers it expedient, the council may require the district to reimburse it for its

reasonable costs in reviewing the district's plans and proposals, including the cost of legal counsel, engineers, and other consultants or professionals assisting the appointing government in considering proposals of the district, and the amount shall be paid by the district to the appointing government and may be paid by the district out of the proceeds of an issue of bonds.

Section 11-99A-29. Resolutions not Permanent.

All resolutions to be adopted by an appointing government under this chapter shall be deemed not to be permanent or of a continuing nature and shall not require two readings and shall not require publication. All resolutions shall be immediately effective upon adoption.

Section 11-99A-30. Methods of Allocating Assessments.

Subject to Section 223 of the Constitution of Alabama of 1901, if considered appropriate by a council, the cost of an assessment may be levied on property in proportion to front feet, acreage, or its estimate of the increase in value of the property resulting from the improvements for which the assessment was made.

Section 11-99A-31. Recordation of Notice of Lien.

(a) All preliminary and final assessments shall constitute liens upon the property assessed. The council shall provide a copy of the preliminary and final assessment to the municipal or town clerk of the appointing government, either of which shall constitute notice to all of the existence of the preliminary or final assessment and their priority, the same as though recorded in the records of the office of the judge of probate, and all purchasers of property, whether bona fide purchasers or not, shall take subject to the assessment, whether or not having actual knowledge of the assessment. Moreover, in the discretion of the council or board, notice of the presence of a preliminary or final assessment may be recorded in the Office of the Judge of Probate for the county or counties in which a district is located. Any such recordation shall be free of mortgage or other recording taxes.

(b) All assessments made pursuant to this chapter, together with all interest thereon and penalties for default and payment thereof, and all costs of collecting, suing for, or foreclosing shall constitute from the date of the preliminary assessment a lien against each lot or tract of land as provided in the assessment and shall have priority over all other liens, other than liens for ad valorem taxes.

Section 11-99A-32. Apportionment of Liens.

Upon the subdivision of any assessed tract of land, the board may, but shall not be required to, apportion the lien and the

assessment among the subdivided lots in a manner as the board may consider expedient.

Section 11-99A-33. Non-effect of Errors.

No delays, mistakes, errors, or irregularities in any act or proceeding authorized or required by this chapter shall prejudice or invalidate any preliminary or final assessment, but may be remedied by subsequent filings, amending acts, or municipal, county, or board proceedings, as the case may require. When remedied, the preliminary or final assessment shall take effect retroactively as of the date of the original filing, act, or proceeding. If any final assessment made is set aside by any court or if for any reason the board determines it to be expedient to alter any final assessment, the appointing government may make a new assessment in accordance with this chapter.

Section 11-99A-34. Irregularly Shaped Lots.

In assessing lots based on front footage, special assessments may be made for irregularly shaped lots having unusually high or low front footage in proportion to the size of the lot.

Section 11-99A-35. Enjoining of Assessments.

No suit may be brought or maintained to enjoin the collection of assessments levied under this chapter except upon the ground that public notice of a hearing upon the amount of the assessment with respect to property owned by the person bringing the suit was not given as required in this chapter and that the failure materially infringed the rights of the person bringing suit. However, any person presenting objections to the board at or before the hearing on assessment shall be deemed to have waived this ground.

Section 11-99A-36. Pledge of Assessments to Bonds.

Assessments may be pledged to an issue of bonds, and if pledged, the pledge shall be deemed a perfected, first claim by the bondholders, or trustee on behalf of the bondholders, against the assessments, regardless of compliance with the terms of Article 9 of Title 7, the Alabama Uniform Commercial Code or any other public notice or filing. However, nothing herein shall prevent the filing of a financing statement under Article 9 of Title 7, the Alabama Uniform Commercial Code, and a filing shall not constitute an election to perfect only in accordance with Article 9 of Title 7.

Section 11-99A-37. Appropriations by Public Persons.

A public person may contribute funds or property of any kind to a district by appropriation, grant, donation of services of municipal employees or contractors, lease, deed, or other means considered appropriate, for the purpose of paying in whole or in part any

bonds, to pay the costs of acquiring, installing, or constructing improvements in whole or in part, or to fund in whole or in part any other costs or expenses of the district, all without an election of any kind. A public person may issue bonds for the purpose of financing the costs of any funds or property provided to a district. If a public person provides funds to pay debt service on any bond issue in whole, the public person shall, if it elects, be subrogated to the rights of the district to the proceeds of the unpaid assessments to the extent of the funds provided. The district and the public person may contract for the granting of subrogation with respect to any partial or whole prepayment with respect to particular lots or parcels.

Section 11-99A-38. Merger of Improvement Districts.

Two or more districts having a single appointing government may, by joint petition filed with the appointing government, request that the districts be merged. If the petition is approved by the appointing government, the districts shall be merged into a single district. No merger shall alter any existing assessments or bonds nor shall a merger result in any existing assessments being pledged to bonds to which assessments were not pledged prior to the merger. No merger shall impair the security of any outstanding bonds of the district.

Section 11-99A-39. Feasibility as a Condition.

The appointing government, as a condition to approving the establishment of a district or the levying of a preliminary or final assessment, may require that the petitioners or the board, as appropriate, demonstrate the feasibility of the proposed improvements, by providing a feasibility report, such as evidence that the bonds will be purchased by an underwriter or other purchaser, a recommendation by the appropriate officials within the appointing government, or other means as may be required by the appointing government.

Section 11-99A-40. Land Owned by Public Persons.

Land owned by a public person shall be exempt from assessments regardless of whether the public person consented to the formation of the district.

Section 11-99A-41. Use of Improvements by Persons Not Assessed.

(a) For use of improvements constructed, acquired, or installed by the district with proceeds of assessments, the board may require the payment of a connection, tap fee, or increased tap fee by persons owning property not assessed to pay for improvements, even though the utilities may be provided by some public

person or utility other than the board. The tap fee shall be reasonable and may not exceed 150 percent of the assessment that otherwise would have been paid by the person.

(b) If the owner of any property that fronts on any street built with proceeds of an assessment, whether or not within the district, wishes to connect a driveway or street or otherwise to have access to the street, the owner shall obtain consent of the board to connect to the street, to any cut in the curb, to the establishment of any cut in the median, if any, and otherwise to ingress and egress on the street. The board shall exercise its discretion in order to provide for public safety in the use of the street, and may further condition approval on the payment of a "curb cut fee" in an amount not in excess of 150 percent of the assessments that the owner of the fronting property would have paid had the owner's property been included within the district and the board shall require any owner to pay or reimburse the district for any costs of the district in making a curb cut, median cut, or otherwise permitting ingress and egress. The district may further condition use of the street on the adjacent land being annexed into the municipality that formed the district, on the owner of the land agreeing to restrict the use or to regulate the appearance of the land, or otherwise as the board may determine to be in the interest of the district. The district may enjoin by appropriate proceedings any ingress or egress to a street contrary to this section and any violation of any agreement restricting the use or regulating the appearance of the fronting land, without posting bond, and the person enjoined shall be obligated to pay all costs and legal fees in connection with the obtaining and enforcing of such injunctive relief.

(c) All tap fees and curb cut fees shall be applied to the payment of any bond issue outstanding that financed the cost of the improvements to which the owner is obtaining access. If no bonds are outstanding or fees exceed the amount of the bonds, the excess amount shall either be used to build additional improvements or to refund assessments paid with respect to improvements.

Section 11-99A-42. Reassessments.

The council may make a reassessment or new assessment of a parcel if:

- (1) A court of competent jurisdiction sets aside an assessment against the parcel.
- (2) The council determines that the original assessment is excessive.
- (3) On the written advice of legal counsel, the council determines that the original assessment is invalid.

Section 11-99A-43. Temporary Bonds.

The district may issue temporary bonds for the purpose of paying the costs for which bonds may be issued, or bonds to be repaid out of the proceeds of a permanent or long-term bond issue.

Section 11-99A-44. Bonds in Series.

Bonds of a district may be issued in series, and, for example, one series may be issued as tax-exempt under the United States Internal Revenue Code, while another series may be issued as taxable. A separate series may also have different assessments pledged as security or may have its proceeds designated for the acquisition, construction, and installation of different improvements.

Section 11-99A-45. Parity Bonds.

A district may make provisions for the subsequent issue of additional parity bonds or subordinate lien bonds on terms and conditions specified in the proceedings of the board with respect to the bond issue.

Section 11-99A-46. Assumption of Municipal or County Actions.

Where an appointing government has taken official action with respect to the construction, acquisition, or installation of improvements, whether before or after the effective date of this chapter, such as by adoption of a resolution or ordinance respecting the same, a district previously or thereafter formed may assume the official action and may undertake the construction, acquisition, or installation of improvements and may pay or reimburse all costs incurred with respect to the improvements by or on behalf of the appointing government from bond issue proceeds.

Section 11-99A-47. Limited Exception from Regulations.

The appointing government and any other public person may determine that improvements may be built by the district, paid for with proceeds of bonds, and may otherwise be subject to the terms of this chapter even though the subdivision, zoning, or other ordinances, rules, codes, and regulations of the appointing government or other public person would, but for this chapter, require the owners of the land, developers, or other private persons to pay for the costs of improvements, and to the extent paid for from the proceeds from a bond issue or assessments under this chapter, the private person shall be relieved of the obligation to pay for costs.

Section 11-99A-48. Additional Security for Bonds.

(a) A board may pledge out of bond proceeds or other sources reserve funds for the repayment of bonds. In addition, the district, any other public person, or any other person may mortgage, subject

to foreclosure, for the benefit of bonds, any improvements constructed, acquired, or installed with proceeds of the bonds.

(b) A board, the appointing government, any other public person, or any other person may pledge to the payment of bonds all or part of a grant, donation, revenue, or income received or to be received from the government of the United States or any other public or private source, whether or not it is received pursuant to an agreement or otherwise.

Section 11-99A-49. Investments in Bonds.

Bonds issued under this chapter are legal and authorized investments for banks, trust companies, savings and loan associations, savings banks, insurance companies, fiduciaries, trustees, guardians, and any public person. Bonds issued under this act may be security for deposits of public funds of any public person.

Section 11-99A-50. Provisions Cumulative.

The provisions of this chapter shall be cumulative with any other act of the Legislature permitting municipalities or other public persons to assess property for the acquisition, construction, or installation of improvements.

Section 11-99A-51. Disposition of Net Earnings.

The district shall be a nonprofit, public corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm, or corporation; except, that in the event the board of directors of the board shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the district, any net earnings of the corporation thereafter accruing shall be paid to the appointing government or as otherwise provided in the articles of incorporation or proceedings with respect to the bonds.

Section 2. None of the provisions of this Act shall be applied in a manner that would violate the United States Constitution.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:49 A.M.

Act No. 99-447

H. 26 – Rep. Galliher

AN ACT

To amend Section 30-5-9, Code of Alabama 1975, relating to the Protection From Abuse Act; to further provide for criminal penalties for violations of protection orders; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30-5-9, Code of Alabama 1975, is amended to read as follows:

“§30-5-9.

“A defendant who has violated a protection order issued pursuant to this chapter by the commission of an act of abuse as defined in this chapter, or conduct other than abuse in violation of the order shall be guilty of a Class A misdemeanor. On the first conviction, the defendant shall be punished as provided by law. On a second conviction, the defendant shall be punished by a minimum of 30 days imprisonment which may not be suspended. On a third or subsequent conviction, the defendant shall be punished by a minimum sentence of 120 days imprisonment which may not be suspended. Upon conviction, the person shall be required to pay one-third of the cost of incarceration for each day imprisoned in the county jail. The cost shall be determined by the judge and shall be entered as a money judgment against the defendant in favor of the county for which execution shall let. All monies collected for the cost of incarceration shall be deposited into the county general fund earmarked for the administration of the county jail. The person shall also be subject to existing penalties upon conviction of any criminal charges arising out of the incident which is the basis of any protection order. The criminal penalties provided by this section shall not affect any contempt of court proceeding.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 10:12 A.M.

Act No. 99-448

H. 246 – Reps. Humphries, Laird,
Hall (A), Schmitz, Jones,
Page, Mancuso and
Curry

AN ACT

To amend Sections 36-21-102 and 36-21-104, Code of Alabama 1975, relating to the Police Officer's and Firefighter's Survivors Educational Assistance Act; to offer the same tuition assistance to dependents of law enforcement officers and firefighters who are totally disabled in the line of duty; and to increase the membership on the Tuition Eligibility Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-21-102 and 36-21-104, Code of Alabama 1975, are amended to read as follows:

“§36-21-102.

“Upon July 23, 1987, when a full-time law enforcement officer or firefighter employed by the state, by any county, or by any municipality, is or was killed or becomes totally disabled in the line of duty, tuition assistance for undergraduate study at any state college, state community college, state junior college, state technical college, in the state of Alabama, and other costs officially prescribed for the classes in the course of study, shall be paid for the following:

“(1) Any dependent child, natural or adopted, under 21 years of age at the time of death or total disability of the law enforcement officer or firefighter;

“(2) A spouse who has not remarried, provided initial enrollment is within five years of the death or total disability of the law enforcement officer or firefighter.

“§36-21-104.

“There is created the Tuition Eligibility Board, which shall determine the eligibility of any persons applying under the provisions of this article. The tuition eligibility board shall certify to the Alabama Commission on Higher Education the eligible persons to receive tuition assistance under the provisions of Section 36-21-102. The tuition eligibility board shall consist of two members appointed by the governor, one member appointed by the executive board of the Alabama Education Association, one member appointed by the board of directors of the Alabama State Policemen's Association, Inc., one member appointed by the Professional Firefighter's Association of Alabama, one member appointed by the Alabama Firefighter's Association, one member appointed by the Alabama State Lodge of the Fraternal Order of Police, one member appointed by the Alabama State Troopers Association, and one member appointed by the board of directors of the Alabama Peace Officers' Association. Each member shall serve four years from the date of appointment and shall have the

right of succession. The board shall elect a chairperson from among the members and shall coordinate the implementation of this article with the Alabama commission on higher education. The chairperson shall call meetings of the board to determine eligibility of applicants. Each board member shall receive reimbursement of expenses for duties performed in accordance with the provisions of this act. A majority of the members appointed shall constitute a quorum."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:48 A.M.

Act No. 99-449

H. 144 – Rep. Carns

AN ACT

To provide for international notaries public and for the Secretary of State to appoint the notaries.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this act, the following terms shall have the following meanings:

(1) **AUTHENTICATION INSTRUMENT.** An instrument executed by an Alabama international notary referencing this act, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of an Alabama international notary as prescribed by the Secretary of State for use in a jurisdiction outside the borders of the United States.

(2) **ALABAMA INTERNATIONAL NOTARY.** A person who is admitted to the practice of law in this state, who has practiced law for at least five years, and who is appointed by the Secretary of State as an Alabama international notary.

(3) **PROTOCOL.** A registry maintained by an Alabama international notary in which the acts of the Alabama international notary are archived.

Section 2. (a) The Secretary of State may appoint Alabama international notaries and administer this section.

(b) An Alabama international notary may issue authentication instruments for use in non-United States jurisdictions. An Alabama international notary may not issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. §§ 1, et seq.

(c) The authentication instrument of an Alabama international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(d) The authentication instruments of an Alabama international notary shall be recorded in the Alabama international notary's protocol in a manner prescribed by the Secretary of State.

Section 3. The Secretary of State may adopt rules prescribing all of the following:

(a) The form and content of signatures and seals or their legal equivalents for authentication instruments.

(b) Procedures for the permanent archiving of authentication instruments.

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section.

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.

(e) Procedures for the disciplining of Alabama international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Alabama international notary's authority, the effect of the Alabama international notary's authentication instruments, or the identities or acts of the parties to a transaction.

(f) Other matters necessary for administering this section.

Section 4. The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Alabama international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to

the appointment of an Alabama international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

Section 5. This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 12, 1999

Time: 7:50 A.M.

Act No. 99-450

H. 589 – Rep. Buskey

AN ACT

Relating to telecommunications; to prohibit telephone solicitations to residential subscribers after notice to the Public Service Commission of objections to the solicitations; to establish a data base to collect the objections; to provide for fees; to establish a fund in the state treasury to which the fees authorized to be levied by this bill are to be deposited and to make appropriations to the Public Service Commission from that fund; to provide penalties; and to amend Section 8-19A-3 of the Code of Alabama 1975, to further provide for definitions.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama finds all of the following:

(1) The use of the telephone to market goods and services to the home is pervasive now due to the increased use of cost-effective telemarketing techniques.

(2) Over 30,000 businesses actively telemarket goods and services to business and residential customers.

(3) Everyday, over 300,000 solicitors place calls to more than 18 million Americans, including citizens of this state.

(4) Telemarketing, however, can be an intrusive and relentless invasion of the privacy and peacefulness of the home.

(5) Many citizens of this state are outraged over the proliferation of nuisance calls to their homes from telemarketers.

(6) Privacy rights and commercial freedom of speech of individuals can be balanced in a way that accommodates both the privacy of individuals and legitimate telemarketing practices.

(7) It is in the public interest to establish a mechanism under which the individual citizens of this state can decide whether or not to receive telemarketing calls in their homes.

Section 2. Section 8-19A-3 of the Code of Alabama 1975, is amended to read as follows:

“§8-19A-3.

“As used in this chapter and this act, the following terms shall have the following meanings unless the context clearly indicates otherwise:

“(1) **CALLER IDENTIFICATION SERVICE.** A type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls.

“(2) **COMMERCIAL TELEPHONE SELLER.** Any person who engages in commercial telephone solicitation on his or her own behalf or through salespersons, except that a commercial telephone seller does not include any of the persons or entities exempted from this chapter by Section 8-19A-4. A commercial telephone seller does not include a salesperson as defined in subdivision (14). A commercial telephone seller includes, but is not limited to, owners, operators, officers, directors, partners, or other individuals engaged in the management activities of a business entity pursuant to this chapter.

“(3) **COMMERCIAL TELEPHONE SOLICITATION.**

“a. An unsolicited telephone call to a person initiated by a commercial telephone seller or salesperson, or an automated dialing machine used in accordance with this chapter for the purpose of inducing the person to purchase or invest in consumer goods or services.

“b. **Other communication with a person where:**

“1. A gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication.

“2. A telephone call response is invited.

“3. The salesperson intends to complete a sale or enter into an agreement to purchase during the course of the telephone call.

“c. **Other communication with a person** which represents a price, quality, or availability of consumer goods or services and which invites a response by telephone or which is followed by a call to the purchaser by a salesperson. For purposes of this section, “other communication” means a written or oral notification or

advertisement transmitted through any means. Also, for purposes of this section, "invites a response by telephone" does not mean the mere listing or including of a telephone number in a notification or advertisement.

"(4) COMMISSION. The Alabama Public Service Commission.

"(5) CONSUMER. An actual or prospective purchaser, lessee, or recipient of consumer goods or services.

"(6) CONSUMER GOODS OR SERVICES. Any real property or any tangible or intangible personal property which is normally used for personal, family, or household purposes including, without limitation, any property intended to be attached to or installed in any real property, without regard to whether it is so attached or installed, as well as cemetery lots, timeshare estates and licenses, and any services related to the property.

"(7) DIVISION. The Consumer Division of the Office of the Attorney General.

"(8) DOING BUSINESS IN THIS STATE. Businesses conducting telephonic sales call from a location in Alabama or from other states or nations to consumers located in Alabama.

"(9) ENFORCING AUTHORITY. The division or the office of the district attorney if a violation of this chapter occurs in or affects the judicial circuit under the jurisdiction of the office of the district attorney.

"(10) GIFT, AWARD, or PRIZE. A gratuity which the purchaser believes to be of value.

"(11) INDIVIDUAL. A single human being but does not mean a firm, association of individuals, corporation, partnership, joint venture, sole proprietorship, or any other entity.

"(12) MERCHANT. A person who, directly or indirectly, offers or makes available to consumers any consumer goods or services.

"(13) PERSON. Any individual, group of individuals, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

"(14) PURCHASER. A person who is solicited to become or does become obligated to a commercial telephone seller.

"(15) SALESPERSON. Any individual employed, appointed, or authorized by a commercial telephone seller, regardless of whether the commercial telephone seller refers to the individual as an agent, representative, or independent contractor, who attempts to solicit or solicits a sale on behalf of the commercial telephone seller. A salesperson,

however, does not include individuals exempted from this chapter by Section 8-19A-4 or employees or agents of persons exempted from this chapter by Section 8-19A-4, or companies and individuals under contract with persons exempted from this chapter by Section 8-19A-4 when liability is assumed by the exempt entity.

“(18) **TELEPHONE SOLICITATION CALL.** A call made by a telephone solicitor to a consumer, for the purpose of soliciting a sale of consumer goods or services, or for the purpose of obtaining information that may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for consumer goods or services, or for the purpose of obtaining information that may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

“(16) **TELEMARKETER OR TELEPHONE SOLICITOR.** Any natural person, firm, organization, partnership, association, or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic sales call.

“(17) **TELEMARKETING OR TELEPHONE SOLICITATION.** A voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in property, goods, or services, but does not include communications by or on behalf to any of the exempt persons in Section 8-19A-4.

“(19) **UNSOLICITED SOLICITATION SALES CALL.** A telephonic sales call other than a call made to a person with whom the telephone solicitor has a prior or existing business relationship; or by a newspaper publisher or his or her agent or employee in connection with his or her business; or any of the exempt persons in Section 8-19A-4.”

Section 3. (a) No person or entity may make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who has given notice to the commission of his or her objection to receiving telephone solicitations.

(b) (1) The commission shall establish and operate a data base to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. The commission shall have the data base in operation before July 1, 2000.

(2) The data base may be operated by the commission or by another entity under contract with the commission.

(3) Before July 1, 2000, the commission shall promulgate regulations which shall include all of the following:

a. A requirement that each local exchange company and each competing local exchange carrier shall inform on an annual basis

its residential subscribers of the opportunity to provide notification to the commission or its contractor that the subscriber objects to receiving telephone solicitations.

The information shall be disseminated at the option of the carrier by television, radio, or newspaper advertisements; written correspondence; bill insert or messages; telephone book subscription forms; or any other method not expressly prohibited.

b. Methods by which each residential subscriber may give notice to the commission or its contractor of his or her objection to receiving solicitations or revocation of the notice.

c. Methods by which a notice of objection becomes effective and the effect of a change of telephone number on the notice.

d. Methods by which objections and revocations are collected and added to the data base.

e. Methods by which a person or entity desiring to make telephone solicitations may obtain access to the data base as required to avoid calling the telephone numbers of residential subscribers included in the data base.

f. All other matters relating to the data base that the commission deems necessary.

(4) If, pursuant to 47 U.S.C. Section 227(c)(3), the Federal Communications Commission establishes a single national data base of telephone numbers of subscribers who object to receiving telephone solicitations, the commission shall include the part of the single national data base that relates to Alabama in the data base established under this section.

Section 4.

(a) The Public Service Commission shall have the authority to charge a residential subscriber a fee every two years payable to the Commission for each notice for inclusion on the database established pursuant to this Act. The Public Service Commission shall also have the authority to charge a person or entity desiring to make telephone solicitations a fee per year payable to the commission for access to, or for paper or electronic copies of the data base established pursuant to this Act. Any fee established by the PSC shall be subject to the approval of the Legislative Council.

(b) The commission shall update its "no sales solicitation calls" listing upon receipt of initial consumer subscriptions or renewals and provide this listing for a fee, pursuant to subsection (a).

(c) All fees collected under the provisions of this act shall be deposited into a separate fund in the state treasury to be expended

by the Public Service Commission for the implementation and administration of this act. At the end of each fiscal year, unexpended monies remaining in the fund shall not revert to any other fund of the state, but shall remain available for appropriation. The Legislature shall annually appropriate from the fund the amount necessary for the administration of this act to the Public Service Commission subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq., Code of Alabama 1975, Sections 41-19-1 et seq., and any other provisions of this act.

Section 5. Information contained in the data base established pursuant to this act may be used only for the purpose of compliance with this act or in a proceeding or action pursuant to Section 7 or 8. The information shall not be subject to public inspection or disclosure.

Section 6. (a) Any person or entity who makes a telephone solicitation to the telephone line of a residential subscriber in this state shall identify himself or herself as provided under Section 8-19A-12 of the Code of Alabama 1975.

(b) No person or entity who makes a telephone solicitation to the telephone line of a residential subscriber in this state may knowingly utilize a method to block or otherwise circumvent the use of a caller identification service by the subscriber.

Section 7. The commission may commence proceedings in the circuit court in the county relating to a knowing violation or threatened knowing violation of subsection (a) of Section 4 or Section 6. Proceedings which the commission may commence, include, without limitation, issuance of a cease and desist order or issuance of an order imposing a civil penalty up to a maximum of two thousand dollars (\$2,000) for each violation. The proceedings shall be brought in the name of the state. The commission may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation of subsection (a) of Section 4 or Section 6.

Section 8. A person who has received more than one telephone solicitation within a 12-month period by or on behalf of the same person or entity in violation of subsection (a) of Section 4 or Section 6 may bring an action to enjoin the violation; bring an action to recover for actual monetary loss from the knowing violation or to receive up to two thousand dollars (\$2,000) in damages for each knowing violation, whichever is greater; or bring both actions.

Section 9. It shall be a defense in any action or proceeding brought under Section 7 or Section 8 that the defendant has established

and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of this act.

Section 10. No action or proceeding may be brought under Section 7 or Section 8 more than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or more than two years after the termination of any proceeding or action by the state, whichever is later.

Section 11. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this act.

Section 12. The remedies, duties, prohibitions, and penalties of Section 3 to 11, inclusive, of this act shall not be exclusive and shall be in addition to all other causes of action, remedies, and penalties provided by law.

Section 13. No provider of telephone caller identification service, local exchange telephone company, or long distance telephone company may be held liable for violations of this act committed by other persons or entities.

Section 14. There is hereby appropriated from the fund established in Section 4(c) of this act for the fiscal years ending September 30, 1999 and September 30, 2000, to the Public Service Commission, the amount necessary to implement and administer the provisions of this act.

Section 15. This act shall become effective July 1, 1999, for purposes of administrative establishment of the data base, including receipt of notices, by the commission and shall become effective for all purposes July 1, 2000.

Approved June 12, 1999

Time: 7:44 A.M.

Act No. 99-451

S.J.R. 96 – Senators Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (T), Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole,

Preuitt, Roberts, Sanders,
Smith, Smitherman, Steele,
and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MICAH WORTHINGTON GILES.

WHEREAS, it is with deep and abiding sorrow that we record the untimely death of Micah Worthington Giles of Montgomery, Alabama, on May 15, 1999, at the early age of 19 years, as the result of a tragic automobile accident; and

WHEREAS, Micah Giles, the son of John and Deborah Giles, attended Lyman Ward Military Academy, New Life Academy, Lanier High School, Auburn University of Montgomery, and Troy State University in Montgomery, and was employed by G. T. Key Electrical Company; and

WHEREAS, Micah was a devout Christian who loved God with all his heart, soul, mind, and strength, and loved others as himself; his passion for life and purity of purpose was helping others to find true happiness in a right relationship with God; and

WHEREAS, Micah's boldness and confidence in the Lord came from a deeply held conviction that life cannot be lived to the fullest until we come to the true knowledge of God through Jesus Christ who died on a cross for the sins of the world; and

WHEREAS, knowing the forgiveness of his own sins and the external bliss and promise of a right relationship with the heavenly Father, Micah lived that others may know Jesus as Savior and Lord; and

WHEREAS, Micah deeply loved the Holy Scriptures, including the one family and friends say best described him: "He brought me up also out of an horrible pit, out of the miry clay, and set my feet upon a rock, and established my goings; and He hath put a new song in my mouth, even praise unto our God; many shall see it, and fear, and shall trust in the Lord." Psalm 40:2, 3; and

WHEREAS, the death of Micah Giles has indeed left an unfathomable void in the life of his community, and in the hearts of his loving family and many friends and classmates who, even as they grieve, celebrate his unshakable faith, his unrelenting love for others, and his dedication to family and friends; and

WHEREAS, preceded in death by his grandfathers, William O. Giles, Sr., and John C. Woodley, Micah is survived by his parents, John and Deborah Giles; sister, Zavera George; brother, Stephen Chadwick Giles; grandmothers, Mary E. Giles and Ruth Woodley;

great grandmother, Guthrie Rowell; and other close family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as his death is mourned, the life and service of Micah Worthington Giles is herein celebrated, and deepest sympathy is extended to his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved June 18, 1999

Time: 7:45 A.M.

Act No. 99-452

S.J.R. 100 – Senators Little (Z), Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (T), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

COMMENDING TOM DRAKE FOR EXEMPLARY LEGISLATIVE SERVICE.

WHEREAS, it is with great pride and pleasure that we recognize and commend our friend and colleague Tom Drake for his 32 years of distinguished legislative service to the people of Cullman County and the State of Alabama, an amazing tenure which spans the last four decades; and

WHEREAS, a native of Morgan County, Tom Drake has been a life-long resident of the Vinemont Community in Cullman County, where he excelled in football and basketball while a student at Vinemont Jr. High School and Cullman County High School; and

WHEREAS, attending the University of Tennessee at Chattanooga on a football scholarship, Tom Drake continued to be a standout athlete in football and wrestling, earning Little All-American football honors, as well as selection by some All-Southern and All-American teams; and

WHEREAS, while a student at Chattanooga, Tom Drake was a member of the varsity wrestling team, and for three years in a row

he won the Southeastern Independent Wrestling Association Championship in his division, qualifying for both Southern and National Olympic Finals; and

WHEREAS, Speaker Emeritus Drake served his country honorably in the United States Army in the Korean War; he then returned to the University of Alabama, where he earned a Master's and a Juris Doctorate from the University of Alabama School of Law, and at Alabama was a student coach for Bear Bryant and successfully coached the first wrestling team for the university; and

WHEREAS, Tom Drake is a farmer and practicing attorney, and was a professional wrestler from 1954 to 1978, winning numerous titles and competing against such legendary greats as Lou Theez, Gorgeous George, Wild Red Berry, and Nature Boy Buddy Rogers; he also competed as a tag-team member with Alabama football great Tarzan White; and

WHEREAS, Tom Drake has provided legislative leadership in many capacities, serving two terms as Chair of House Rules Committee in the 1970's, two terms as Speaker of the House 1982-1983, and 1983-1987, and as the floor leader under Governors George C. Wallace, Lurleen B. Wallace, and Albert Brewer; and

WHEREAS, he has been a strong and effective spokesman for the average working person in Alabama in such areas as education, elder rights, law enforcement, workers' compensation, mental health, environmental quality, industrial development, and public health; moreover, he is respected by friend and foe alike for his articulate advocacy of issues that were not always in line with the majority; and

WHEREAS, a friend, confidant, and mentor to many legislators over the years, Tom Drake is admired for his loyalty, trustworthiness, effectiveness, and vast experience; and

WHEREAS, the Cullman County Legislative Delegation, consisting of Senator Zeb Little, Representative Neal Morrison, and Representative Jeremy Oden, consider it a great honor to recognize the achievements and service of this outstanding Alabamian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend Speaker Emeritus Tom Drake for his three decades plus of service to the people of this state in the House of Representatives and, by copy of this resolution, extend to our dear friend the highest praise and appreciation.

Approved June 18, 1999

Time: 7:46 A.M.

Act No. 99-453

S.J.R. 103 – Senators Mitchell, Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (T), Little (Z), Marsh, McClain, Means, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MAYOR DAVID D. WHETSTONE, JR., OF PRATTVILLE, ALABAMA.

WHEREAS, herein recorded with deep regret and profound sorrow is the untimely death of David D. Whetstone, Jr., Mayor of the City of Prattville, Alabama; and

WHEREAS, a native of Autauga County, Alabama, Mayor David D. Whetstone was a graduate of Hicks Memorial High School in Autaugaville, Alabama, and John Patterson Technical School in Montgomery, Alabama, and, later attended Huntingdon College in Montgomery, Alabama; and

WHEREAS, Mayor Whetstone was elected Mayor of the City of Prattville, Alabama, in 1992 and was re-elected Mayor in 1996, after serving with professionalism and commanding skill for two terms on the Autauga County Commission; and

WHEREAS, his service and wise counsel over the years have played a significant role in shaping the development of the City of Prattville and, as a direct result of his initiative and leadership, as well as countless hours of hard work, the residents of Prattville and surrounding areas have seen the city grow and prosper during his tenure in public office; and

WHEREAS, Mayor Whetstone was an active member of First United Methodist Church, Prattville, and he provided leadership and support to numerous civic and professional organizations, including the Prattville Civitan Club, Association of County Commissioners, and Autauga County Vocational Education Advisory Council, among others; and

WHEREAS, left to cherish the memory of Mayor Whetstone is his devoted wife, the former Mabel Ann Rice, and two children, Angus and Shannon; and

WHEREAS, the untimely death of Mayor David D. Whetstone, Jr., has left a deep void in the Prattville community, and indeed in the lives of all those privileged to know him as a kind, generous, and thoughtful man who served with care and concern for the betterment of the city he loved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to the life and accomplishments of Mayor David D. Whetstone, Jr., of Prattville, Alabama, and direct that a copy of this resolution be presented to his loving wife, Mabel Ann, with our very deep and sincere condolences.

Approved June 18, 1999

Time: 7:47 A.M.

Act No. 99-454

H.J.R. 42 – Rep. Rogers (J)

HOUSE JOINT RESOLUTION

REQUESTING THE PLACEMENT OF A TRAFFIC LIGHT AT THE INTERSECTION OF 27TH AVENUE AND 18TH STREET SOUTH IN BIRMINGHAM.

WHEREAS, since 1992, 37 accidents have occurred at the intersection of 27th Avenue and 18th Street South (Post Office) in Birmingham, an average of one accident each 59 days; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the appropriate local and state authorities to place a traffic light at the intersection of 27th Avenue and 18th Street South (Post Office) in Birmingham, and a copy of this resolution shall be provided as an expression of our concerns for the safety of motorists in that area.

Approved June 18, 1999

Time: 7:48 A.M.

Act No. 99-455

H.J.R. 77 – Rep. Millican

HOUSE JOINT RESOLUTION

DESIGNATING THE BRIDGE ON ALABAMA HIGHWAY 13 NEAR THE TOWN OF BEAR CREEK THE DON TIDWELL BRIDGE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on Alabama Highway 13 near the Town of Bear Creek is designated as the Don Tidwell Bridge in honor of the late Don Tidwell, a Bear Creek native.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the proper officials and that appropriate signs be erected and maintained to reflect the naming of this bridge.

Approved June 18, 1999

Time: 7:49 A.M.

Act No. 99-456

H.J.R. 80 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY ACADEMY LADY EAGLES ON WINNING THE 1999 3A GIRLS STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, highest commendations and congratulations are herein extended to the Montgomery Academy Lady Eagles of Montgomery, Alabama, on winning the 1999 3A Girls State Basketball Championship at the Birmingham-Jefferson Civic Center in Birmingham, Alabama; and

WHEREAS, the talented Lady Eagles brought home their first-ever state championship with a 70-61 win over their opponent, R. C. Hatch, thus capturing the coveted title and bringing immense happiness and pride to their school; and

WHEREAS, superbly led by Coach Jill Clark and Manager Josh Clark, the outstanding team members are: Joi Anderson, Ashley Bentley, Ilouise Bradford, Brandee Garrison, Patricia Gregory, Lauren Gulledege, Catie McRae, Kate Roberts, Evelyn Smith, Walton Upchurch, and Hallie Wilson, and statistician, Kristin Bentley; and

WHEREAS, these fine young athletes indeed bring great honor to themselves, their school, and community and, along with their coach, manager, and statistician, are deserving of highest praise for their dedicated efforts and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montgomery Academy Lady Eagles are recognized, honored, and commended for their dedication, determination, and will-to-win spirit which culminated in an outstanding season and the capture of the 1999 3A Girls State Basketball Championship, and will be provided a copy of this

resolution, in sincere tribute and esteem, for appropriate presentation and display with best wishes for future success.

Approved June 18, 1999

Time: 7:50 A.M.

Act No. 99-457

H.J.R. 86 – Rep. Hogan

HOUSE JOINT RESOLUTION

DESIGNATING APRIL 11, 1999, AS WORLD PARKINSON'S DISEASE DAY.

WHEREAS, Parkinson's Disease is a debilitating, degenerative brain disorder that affects the lives of thousands of persons and their families each year; and

WHEREAS, the third annual World Parkinson's Disease Day is scheduled for April 11, 1999, held in commemoration of the birthday of the famous English surgeon who first identified the disorder in 1817, Dr. James Parkinson; and

WHEREAS, World Parkinson's Disease Day has been observed in many parts of Europe, including the United Kingdom, New Zealand, Slovenia, Israel, Spain, Italy, Czech Republic, Finland, and Sweden; and

WHEREAS, The University of Alabama in Birmingham Medical Center opened a research laboratory in 1997 dedicated to Parkinson's Disease research, which has been aided in funding procurement by the considerable efforts of State Legislative and Congressional members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 11, 1999, as World Parkinson's Disease Day in Alabama, and encourage public awareness of the efforts to control and cure this serious disorder.

Approved June 18, 1999

Time: 7:51 A.M.

Act No. 99-458

H.J.R. 297 – Reps. Guin and Sanderson

HOUSE JOINT RESOLUTION

URGING THE JUDGES OF PROBATE, LICENSE COMMISSIONERS, OR OTHER COUNTY LICENSE ISSUING OFFICIALS

AND THEIR CLERKS TO ASK EACH APPLICANT REQUESTING A DRIVER'S LICENSE OR NONDRIVER IDENTIFICATION CARD IF THE PERSON DESIRES TO BE AN ORGAN DONOR.

WHEREAS, each applicant for a driver's license or nondriver identification card, pursuant to existing law, is required to be asked whether the person wishes to donate his or her organs and to have the designation "organ donor" printed on his or her driver's license or nondriver identification card; and

WHEREAS, if the person answers in the affirmative, the driver's license or nondriver identification card indicates in appropriate language that the owner of the driver's license or card desires to be an organ donor; and

WHEREAS, driver's licenses and nondriver identification cards are issued by local county issuing officers; and

WHEREAS, there are many persons in need of organ transplants whose lives depend on organ donors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the judges of probate, license commissioners, or other county officers charged with issuing driver's licenses and nondriver identification cards and their clerks to ask each applicant requesting a driver's license or nondriver identification card whether the person desires to be an organ donor.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to each county official in each county issuing driver's licenses or nondriver identification cards.

Approved June 18, 1999

Time: 7:52 A.M.

Act No. 99-459

H.J.R. 401 – Rep. Thomas (D)

HOUSE JOINT RESOLUTION

COMMENDING JOSEPH DANIEL CALEB DAVIS ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Joseph Daniel Caleb Davis of Springwille, Alabama, has successfully completed the requirements for the prestigious rank of Eagle Scout, the highest attainable in the Boy Scouts of America, and in recognition thereof, he is deserving of special commendation; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community service project and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Mr. Davis, a member of Boy Scout Troop 134, has developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joseph Daniel Caleb Davis of Springville, Alabama, is congratulated on his attainment of the rank of Eagle Scout and commended for his outstanding achievement in qualifying for this prestigious honor.

BE IT FURTHER RESOLVED, That he receive a copy of this resolution as an expression of our tribute and esteem.

Approved June 18, 1999

Time: 7:53 A.M.

Act No. 99-460

H.J.R. 497 – Rep. Thomas (D)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RAYMOND F. COX OF PELL CITY, ALABAMA.

WHEREAS, the death of Raymond F. “Bam” Cox of Pell City, Alabama, whose good deeds earned for him the respect and admiration of his colleagues and the countless individuals whose lives he touched as a former mayor of Pell City and civic leader, has brought immense sorrow and loss to people throughout the community; and

WHEREAS, Mr. Cox, a native of Lincoln, Alabama, was the first Lincoln High School, then known as Talladega High School, graduate to receive a football scholarship to the University of Alabama and, later, served his country with patriotism with the United States Army during World War II; and

WHEREAS, a highly regarded member of the dental profession for more than 45 years, Mr. Cox devoted many years of volunteer service to his community in a myriad of civic organizations, including the Lions Club, Rotary Club, Jaycees, Veteran of Foreign Wars, and Pell City Quarterback Club; he was the first and only president of the Pell City Country Club; and

WHEREAS, Mr. Cox, who was a devoted member of First United Methodist of Pell City for 50 years, was blessed with a loving wife, Helen; four devoted sons and daughters-in-law, Ray and Annette Cox, Bill and Becky Cox, Russ and Janie Cox, and Clay and Judy Cox; seven grandchildren; and other caring relatives and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life and service of the late Raymond F. Cox is recognized with gratitude and praise, and it is further directed that a copy of this resolution be provided to his wife, Helen Cox, with sincere condolence.

Approved June 18, 1999

Time: 7:54 A.M.

Act No. 99-461

H. 162 – Reps. Hawk and Buskey

AN ACT

To make an appropriation of \$37,196,987 from the Education Trust Fund and an appropriation of \$767,723 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 2000; and to make a conditional appropriation of \$1,675,000 from the Education Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Youth Services for the fiscal year ending September 30, 2000, the following amounts from the Education Trust Fund (ETF) and Federal and Local Funds:

	ETF	Federal and Local Funds	Totals
Youth Services, Department of:			
(a) Youth Services Program ...			37,964,710
SOURCE OF FUNDS:			
(1) ETF	37,196,987		
(2) Federal and Local Funds ..		767,723	
Total Department of Youth Services	37,196,987	767,723	37,964,710

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to providing social and educational services plus facilities to youth referred to the program and providing for the education of such individuals including educating youth to turn away from a life of crime.

Section 3. There is hereby conditionally appropriated the sum of \$1,675,000 from the Education Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 2000 to be conditioned upon the availability of funds in the Education Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 4. The Department of Youth Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1999-2000.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective on October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-462

H. 169 – Reps. Hawk, Buskey and Mancuso

AN ACT

To make an appropriation of \$1,301,159 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 2000, the sum of \$1,301,159 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program to be allocated as follows:

- | | |
|--|---------|
| (a) United Cerebral Paley of Alabama, Inc. | 500,000 |
| (b) United Cerebral Palsy Development Center
for East Central Alabama | 162,579 |
| (c) Simpson-May Cerebral Palsy Center | 300,445 |

(d) Cerebral Palsy Housing Foundation	50,000
(e) United Cerebral Palsy of West Alabama, Inc.	49,705
(f) United Cerebral Palsy of Alabama, Inc. for Etowah County	50,000
(g) United Cerebral Palsy of Northwest Alabama	32,724
(h) United Cerebral Palsy of Mobile, Inc.	106,448
(i) United Cerebral Palsy of Huntsville and Tennessee Valley, Inc.	49,258

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq., and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive

wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-463

H. 175 – Reps. Hawk and Buskey

AN ACT

To make an appropriation of \$100,000 from the Education Trust Fund to the Kate Duncan Smith DAR School in Marshall County, Alabama for the support and maintenance of the school physical plant and education programs, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000 from the Education Trust Fund to the Kate Duncan Smith DAR School in Marshall County, Alabama for the support and maintenance of the school physical plant and education programs, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-464

H. 184 – Rep. Hawk

AN ACT

To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth in Government in Montgomery, Alabama for the support and maintenance of a program to prepare selected young people for positions of moral and political leadership in the American democratic process, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth in Government in Montgomery, Alabama for the support and maintenance of a program to prepare selected young people for positions of moral and political leadership in the American democratic process, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections

41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-465

H. 290 – Rep. Kennedy

AN ACT

To make an appropriation of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation in Birmingham, Alabama for a statewide pro-

gram of grants to increase public humanities education within the state and provide residents opportunities to explore their heritage, history, and humanity through the humanities disciplines, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby appropriated to the Alabama Humanities Foundation in Birmingham, Alabama from the Education Trust Fund the sum of \$250,000 for a statewide program of grants to increase public humanities education within the state and provide residents opportunities to explore their heritage, history, and humanity through the humanities disciplines.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 4. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 5. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 6. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-466

H. 291 – Reps. Kennedy and Hall (L)

AN ACT

To make an appropriation of \$300,000 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama in Birmingham, Alabama for the support and maintenance of educational programs and services to help prevent the spread of HIV/AIDS and to provide services to individuals living with AIDS, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$300,000 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama in Birmingham, Alabama for the support and maintenance of educational programs and services to help prevent the spread of HIV/AIDS and to provide services to individuals living with AIDS, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the

director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-467

H. 297 – Reps. Rogers (J), Curry,
Buskey and Kennedy

AN ACT

To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy programs in Alabama for the support and maintenance of programs to educate the general public about epilepsy and its treatment and to provide medical, legal, insurance, and employment services to individuals afflicted with epilepsy, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000 from the Education Trust Fund to the Epilepsy programs in Alabama for the support and maintenance of programs to educate the general public about epilepsy and its treatment and to provide medical, legal, insurance, and employment services to individuals afflicted with epilepsy, for the fiscal year ending September 30, 2000. The above amount appropriated shall be allocated as follows:

- | | |
|--|--------|
| a. Epilepsy Foundation of North and
Central Alabama in Birmingham | 59,700 |
| b. Epilepsy Chapter of Mobile and Gulf Coast | 40,300 |

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of

1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-468

H. 159 – Reps. Hawk and Buskey

AN ACT

To make an appropriation of \$259,466 from the Education Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 2000, the sum of \$259,466 out of the funds in the Education Trust Fund.

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to maintaining liaison with the State Department of Education, boards of education and private and parochial schools; advising on such programs of physical fitness; promoting physical fitness education for the mentally retarded and physically handicapped; and providing for physical educational facilities.

Section 3. The Governor's Commission on Physical Fitness is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1999-2000.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-469

H. 167 – Rep. Hawk

AN ACT

To make an appropriation of \$500,000 from the Education Trust Fund to Camp ASCCA in Jackson Gap, Alabama for the support and maintenance of a program to provide year round camping, recreation, and outdoor educational services in a barrier-free environment for physically and/or mentally disabled children and adults, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$500,000 from the Education Trust Fund to Camp ASCCA in Jackson Gap, Alabama for the support and maintenance of a program to provide year round camping, recreation, and outdoor educational services in a barrier-free environment for physically and/or mentally disabled children and adults, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget

and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-470

H. 160 – Rep. Hawk

AN ACT

To make an appropriation of \$27,835,588 from the Education Trust Fund, an appropriation of \$2,710,721 from the Impaired Drivers Trust Fund, and an appropriation of \$91,818,693 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Rehabilitation Services for the fiscal year ending September 30,

2000, the amounts as shown in Section 2 from the Education Trust Fund (ETF), the Impaired Drivers Trust Fund, and Federal and Local Funds.

SECTION 2.

	Education Trust Fund	Earmarked Funds	Appropriation Total
2A. EXECUTIVE BRANCH:			
1. REHABILITATION SERVICES, DEPARTMENT OF:			
(a) Direct Client Services for the Handicapped Program ...			122,365,002
The proposed spending plan for the ETF moneys included in the above program is as follows:			
Homebound - 3,049,687			
Hemophilia - 1,100,000			
Children's Rehabilitation Services - 8,018,137			
Of the above appropriation the agency will pay to each hospital the standard per diem paid by the state medicaid agency for services relating to scoliosis and spina bifida medical care.			
Rehabilitation Services - 10,699,607			
Of the above appropriation to Rehabilitation Services, \$250,000 shall be used for the Deaf Support Service.			
Early Intervention Program - 4,968,157			
SOURCE OF FUNDS:			
(1) ETF	27,835,588		
(2) Federal and Local Funds ...		91,818,693	
(3) Impaired Drivers Trust Fund		2,710,721	
Total Rehabilitation Services, Department of	27,835,588	94,529,414	122,365,002

Of the above appropriation,
the sum of \$50,000 shall be
allotted to the Head Injury
Foundation.

SECTION 3. The above appropriation is made for educational purposes which shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to children with disabilities and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975; (b) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce; (c) Providing educational services to severely disabled clients which includes academic tutoring, and teaching of independent living skills, to allow school-age children to attend school.

SECTION 4. The Department of Rehabilitation Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1999-2000.

SECTION 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 6. This act shall become effective on October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-471

H. 196 – Reps. Knight, Hooper, Dean,
Page, Jackson, Rogers (J),
Robinson (O), Hall (L) and
Mancuso

AN ACT

To make a conditional appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound Program to provide services for aging and homebound persons in DeKalb, Jackson, Madison, Marshall, and Limestone counties, for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound Program to provide services for aging and homebound persons in DeKalb, Jackson, Madison, Marshall, and Limestone counties, for the fiscal year ending September 30, 2000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company. v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-472

H. 197 – Reps. Hooper, Knight, Dean,
Mitchell, Robinson (O),
McClurkin, Jackson,
Rogers (J), Melton,
Newton (D), Hall (L) and
Mancuso

AN ACT

To make a conditional appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. in Montgomery, Alabama for a program to promote the development of programs and services for abused and neglected adults and children, including prevention and treatment, and to provide training and networking capabilities to local organizations statewide which provide services to dysfunctional families for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. in Montgomery, Alabama for a program to promote the development of programs and services for abused and neglected adults and children, including prevention and treatment, and to provide training and networking capabilities to local organizations statewide which provide services to dysfunctional families for the fiscal year ending September 30, 2000. Of the above amount conditionally appropriated to the Alabama Council on Child Abuse, Inc., the following amounts are allocated to the following entities:

a. Lee-Scan of Lee County	10,000
b. The Wise Center of Dothan	10,000
c. Child Abuse Prevention Services of Tuscaloosa	10,000
d. Concern for Children of Anniston	10,000
e. F.A.C.E.S. of Enterprise	10,000

The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S.

Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-473

H. 201 – Reps. Knight, Hooper, Page,
Dean, Houston, Jackson,
Rogers (J), Robinson (O),
Morrison, Melton,
Newton (D) and Mancuso

AN ACT

To make a conditional appropriation of \$50,000 from the State General Fund to the Autism Society of Alabama in Birmingham, Alabama for a program to promote acceptance, independence, productivity and opportunity for inclusion for persons with autism and autism spectrum disorders and their families and to foster the development of individualized, life long community-based support and services throughout Alabama, for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$50,000 from the State General Fund to the Autism Society of Alabama in Birmingham, Alabama for a program to promote acceptance, independence, productivity and opportunity for inclusion for persons with autism and autism spectrum disorders and their families and to foster the development of individualized, life long community-based support and services throughout Alabama, for the fiscal year ending September 30, 2000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted

to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-474

H. 204 – Reps. Knight, Hooper, Page,
Houston, Jackson, Vance,
Baker, Rogers (J) and
Melton

AN ACT

To make a conditional appropriation of \$35,050 from the State General Fund to the Beacon House, Inc. - Jasper for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Beacon House, Inc. - Jasper from the State General Fund the sum of \$35,050. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from

increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-475

H. 189 – Reps. Knight, Hooper,
Dean, Houston, Page,
Jackson, Rogers (J),
Robinson (O), Melton
and Newton (D)

AN ACT

To make a conditional appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of

the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Coosa-Alabama River Improvement Association from the State General Fund the sum of \$93,442. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the State General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-476

H. 192 – Reps. Knight, Hooper, Dean,
Houston, Robinson (O),
Jackson, Rogers (J) and
Newton (D)

AN ACT

To make a conditional appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Elyton Recovery Center from the State General Fund the sum of \$61,853. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the State General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-477

H. 195 – Reps. Knight, Hooper, Dean, Mitchell, Robinson (O), Page, Jackson, Rogers (J), Morrison, Melton, Newton (D), Hall (L) and Mancuso

AN ACT

To make a conditional appropriation of \$801,674 from the State General Fund to the Alabama Coalition Against Domestic Violence for the fiscal year ending September 30, 2000, to provide for the conditions under which the appropriation is to be released, to require an operations plan and an audited financial statement prior to the release of any funds, and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Alabama Coalition Against Domestic Violence from the State General Fund the sum of \$801,674. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal

year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-478

H. 202 – Reps. Knight, Hooper, Dean,
Houston, Page, Jackson,
Baker, Vance, Rogers (J)
and Newton (D)

AN ACT

To make a conditional appropriation of \$30,000 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Lighthouse Counseling Center from the State General Fund the sum of \$30,000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional

appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-479

H. 203 – Reps. Knight, Hooper, Dean,
Houston, Page, Jackson,
Baker, Vance, Rogers (J)
and Melton

AN ACT

To make a conditional appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Association for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement

prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Tri-Rivers Waterway Association from the State General Fund the sum of \$62,761. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-480

H. 248 – Reps. McClammy, Dean, Page,
Mitchell, Robinson (O),
Houston, Jackson, Baker,
Vance, Rogers (J), Melton,
Newton (D), Mancuso and
Holmes

AN ACT

To make a conditional appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center in Montgomery, Alabama for a program to provide entrepreneurial information, training, technical assistance, and support to new and expanding minority businesses in Montgomery and surrounding areas, for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center in Montgomery, Alabama for a program to provide entrepreneurial information, training, technical assistance, and support to new and expanding minority businesses in Montgomery and surrounding areas, for the fiscal year ending September 30, 2000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted

to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-481

H.J.R. 560 – Rep. Gipson

HOUSE JOINT RESOLUTION

COMMENDING MARILYN BOUTWELL FOR DISTINGUISHED SERVICE TO THE LEGISLATURE OF ALABAMA.

WHEREAS, having learned of the forthcoming retirement of Mrs. Marilyn Boutwell, a valued employee of the Legislative Reference Service since March 28, 1975, it is appropriate to most gratefully acknowledge her multitude of contributions to the legislative process, and her significant service to the citizens of Alabama; and

WHEREAS, for almost two and one-half decades, Marilyn Boutwell has proficiently and professionally assisted in the preparation of legislation, competently and correctly entering into the legislative data system proposed bills and resolutions, often under difficult conditions involving extreme time restraints, technical limitations, and demanding drafters; she often arrived at dawn to ensure that a bill would be ready for introduction on that day;

indeed, if a bill was complex or lengthy, most likely Marilyn's initials may be found at the top; and

WHEREAS, especially appreciated is Mrs. Boutwell's instrumental role in the creation and maintenance of the Code of Alabama 1975; her contributions include the highly responsible duty of serving as the Secretary to the Reporter of the 1975 Code Revision Subcommittee; providing essential continuity during the transition from one Code Commissioner and code publisher to succeeding ones; and supplying a vital source of institutional memory, invaluable experience, and expansive expertise regarding the codification process; and

WHEREAS, in addition to her exemplary work, Marilyn is held in high esteem by her coworkers who treasure her constant friendship, dry humor, unique perspectives, warm smile, concise comments, and proud individuality; indeed, both figuratively and literally, during her tenure with the Legislative Reference Service, Marilyn has worn many hats, and due to her steadfast determination, indomitable spirit, and personal pride in a job well done, it is our good fortune that each has resulted in a perfect fit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is most appropriate to recognize the extraordinary contributions of Mrs. Marilyn Boutwell to the Legislature of Alabama, and to wish for her the well-deserved blessings of health, happiness, and family; further, this resolution is presented as an expression of these sentiments and our sincere appreciation, friendship, and warmest personal regards.

Approved June 18, 1999

Time: 7:55 A.M.

Act No. 99-482

H. 107 – Rep. Parker (T)

AN ACT

To make a conditional appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Waterway Association in Mobile, Alabama for the support and maintenance of the Warrior-Tombigbee Waterway System for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$69,933 from the State General Fund to the Warrior-Tombigbee Waterway Association in Mobile, Alabama for the support and maintenance of the Warrior-Tombigbee Waterway System for the fiscal year ending September 30, 2000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support of the Warrior-Tombigbee Waterway System. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-483

H. 190 – Reps. Knight, Page, Jackson,
Rogers (J) and Robinson (O)

AN ACT

To make a conditional appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center, Inc. in Florence, Alabama for a program to assist new, small businesses to become self-sustaining and to provide for the operation and maintenance of a small business incubator facility for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center, Inc. in Florence, Alabama for a program to assist new, small businesses to become self-sustaining and to provide for the operation and maintenance of a small business incubator facility for the fiscal year ending September 30, 2000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the State General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-484

H. 191 – Reps. Knight, Hooper, Dean,
McClurkin, Page, Jackson,
Rogers (J) and Melton

AN ACT

To make a conditional appropriation of \$75,000 from the State General Fund to the Alabama Travel Council in Montgomery, Alabama for a program to develop and promote the tourist and travel industry in Alabama for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$75,000 from the State General Fund to the Alabama Travel Council in Montgomery, Alabama for a program to develop and promote the tourist and travel industry in Alabama for the fiscal year ending September 30, 2000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the State General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-485

H. 193 – Reps. Knight, Hooper, Dean,
Page, Jackson, Rogers (J)
and Newton (D)

AN ACT

To make a conditional appropriation of \$85,200 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Parkinson Association of Alabama from the State General Fund the sum of \$85,200. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the State General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in the Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in the Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This Act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-486

H. 199 – Reps. Knight, Hooper, Dean, Robinson (O), Page, Houston, McClurkin, Jackson, Rogers (J), Morrison, Melton, Newton (D), Mancuso and Hall (L)

AN ACT

To make a conditional appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Retired Senior Volunteer Program from the State General Fund the sum of \$291,593 which shall be distributed in the following manner: \$32,075 to the Foster Grandparent and Senior Companions Programs and \$259,518 to the Retired Senior Volunteer Programs.

The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this Act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of this report.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-487

H. 205 – Reps. Hooper, Knight, Dean,
Houston, McClurkin, Page,
Baker, Vance, Rogers (J),
Melton and Newton (D)

AN ACT

To make a conditional appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released;

to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Alabama's Junior Miss Pageant from the State General Fund the sum of \$13,041. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-488

H. 206 – Reps. Hooper, Knight, Dean,
Robinson (O), McClurkin,
Rogers (J), Melton and
Newton (D)

AN ACT

To make a conditional appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the America's Junior Miss Pageant from the State General Fund the sum of \$56,347. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis. In addition, the appropriation made herein shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1999-2000, an operations plan for fiscal year 1999-2000 and an audited financial statement for all operations during fiscal year 1997-1998 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1999-2000 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-489

H. 198 – Reps. Knight, Hooper, Dean,
Houston, Page, Jackson,
Rogers (J), Robinson (O),
Morrison, Melton,
Newton (D), Hall (L) and
Mancuso

AN ACT

To make a conditional appropriation of \$375,000 from the State General Fund to the Alabama Kidney Foundation Inc. for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 2000, there is hereby conditionally appropriated to the Alabama Kidney Foundation Inc. from the State General Fund the sum of \$375,000. The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of the Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provision of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in the Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the cost of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in the Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This Act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-490

H. 161 – Reps. Hawk, Buskey
and Mancuso

AN ACT

To make an appropriation of \$400,000 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 2000, for educational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 2000, the sum of \$400,000 to the Space Science Exhibit Commission from the Education Trust Fund for the Special Services Program.

Section 2. The above appropriation is for educational purposes which shall include but shall not be limited to the operation of the Space Camp Program and educating the general public in the various aspects of space exploration through the display of space hardware and other visual exhibits and training in space exploration.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-491

H. 171 – Rep. Hawk

AN ACT

To make an appropriation of \$950,000 from the Education Trust Fund to Children's Hospital in Birmingham, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of pediatric physicians, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$950,000 from the Education Trust Fund to Children's Hospital in Birmingham, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of pediatric physicians, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-492

H. 172 – Rep. Hawk

AN ACT

To make an appropriation of \$350,000 from the Education Trust Fund to the Children's Theatre in Birmingham, Alabama for the support and maintenance of programs to provide a quality educational and entertaining theatre program to the Birmingham area and a touring program to the entire state and to provide workshops and training for teachers for the fiscal year ending September 30, 2000; to make an appropriation of \$5,000 from the Education Trust Fund to the Fantasy Children's Theatre of Huntsville, Alabama, for the support and maintenance of programs to provide a quality educational and entertaining theatre program to the Huntsville area for the fiscal year ending September 30, 2000; to provide that the above appropriations are subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$350,000 from the Education Trust Fund to the Children's Theatre in Birmingham, Alabama for the support and maintenance of programs to provide a quality educational and entertaining theatre program to the Birmingham area and a touring program to the entire state and to provide workshops and training for teachers, for the fiscal year ending September 30, 2000.

Section 2. There is hereby appropriated the sum of \$5,000 from the Education Trust Fund to the Fantasy Children's Theatre of Huntsville, Alabama for the support and maintenance of programs to provide a quality educational and entertaining theatre program to the Huntsville area for the fiscal year ending September 30, 2000.

Section 3. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriations in Section 1 and Section 2 above shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-493

H. 173 – Reps. Hawk, Buskey and Kennedy

AN ACT

To make an appropriation of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of physicians, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of physicians, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-494

H. 176 – Rep. Hawk

AN ACT

To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center in Anniston, Alabama for the support and maintenance for a program of child care, educational, health, and nutritional services for pre-school children in 14 east central Alabama counties, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center in Anniston, Alabama for the support and maintenance for a program of child care, educational, health, and nutritional services for pre-school children in 14 east central Alabama counties, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions,

terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-495

H. 179 – Reps. Hawk and Kennedy

AN ACT

To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education in Montgomery, Alabama for the support and maintenance of a program to provide tutorial assistance, career

exploration, and positive role models for public school students who are failing in two or more subjects, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education in Montgomery, Alabama for the support and maintenance of a program to provide tutorial assistance, career exploration, and positive role models for public school students who are failing in two or more subjects, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-496

H. 180 – Reps. Hawk and Thomas (J)

AN ACT

To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center in Montgomery, Alabama for the support and maintenance of a non-profit, comprehensive manpower training program providing basic education, job development, job placement, follow-up, individual and group counseling, and referral services for individuals between the ages of 16 and 21 years, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center in Montgomery, Alabama for the support and maintenance of a non-profit, comprehensive manpower training program providing basic education, job development, job placement, follow-up, individual and group counseling, and referral services for individuals between the ages of 16 and 21 years, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-497

H. 476 – Reps. Kennedy, Gaston, Greene,
Dean, Buskey, Clark, Turner,
Pringle, Mitchell and Crigler

AN ACT

To make an appropriation of \$125,000 from the Education Trust Fund to the Mobile Museum of Art in Mobile, Alabama for the support and maintenance of a cultural and educational museum program for the fiscal year ending September 30, 2000; to make an appropriation of \$125,000 from the Education Trust Fund to the Birmingham Museum of Art in Birmingham, Alabama for the support and maintenance of a cultural and educational museum program for the fiscal year ending September 30, 2000; to provide that the appropriations are subject to certain provisions

of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Education Trust Fund the sum of \$125,000 to the Mobile Museum of Art Expansion Project in Mobile, Alabama for the support and maintenance and capital outlay of a cultural and educational museum program for the fiscal year ending September 30, 2000.

Section 2. There is hereby appropriated from the Education Trust Fund the sum of \$125,000 to the Birmingham Museum of Art in Birmingham, Alabama for the support and maintenance of a cultural and educational museum program for the fiscal year ending September 30, 2000.

Section 3. The appropriations in Section 1 and Section 2 above are made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriations shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:15 A.M.

Act No. 99-498

H.J.R. 557 – Rep. Rogers (M)

HOUSE JOINT RESOLUTION

REQUESTING THE COMMISSIONER OF THE DEPARTMENT OF REVENUE TO ALLOW THE DOWNTOWN REDEVELOPMENT AUTHORITY OF THE CITY OF ANNISTON TO MAINTAIN THE TAX EXEMPT STATUS OF THE WILLIAMSON COMMERCE CENTER.

WHEREAS, the Williamson Commerce Center, a high rise office building in Anniston, Alabama, was constructed in 1989 and is the tallest building in Northeast Alabama; and

WHEREAS, the Williamson Commerce Center building is home to the Calhoun County Department of Human Resources, Compass Bank and numerous other tenants; and

WHEREAS, the Williamson Commerce Center building was and still is owned by the Downtown Redevelopment Authority, an instrumentality of the City of Anniston, Alabama; and

WHEREAS, the City of Anniston encouraged the development of the Williamson Commerce Center building by granting a package of incentives including the construction of a multi-level parking deck adjacent to the building and a 15 year ad valorem tax abatement until March 1, 2004; and

WHEREAS, an issue has arisen concerning the term of the ad valorem tax abatement; and

WHEREAS, the City of Anniston and County of Calhoun, both known for their support of local businesses and industry support the actions of the Downtown Redevelopment Authority; and

WHEREAS, with the closing of Fort McClellan it is more important than ever to support local businesses and industry and keep all prior commitments to foster future development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of the Department of Revenue is hereby requested to allow the Downtown Redevelopment Authority of the City of Anniston to complete its obligation to maintain the tax exempt status of the

Williamson Commerce Center building until March 1, 2004, as stated in the original lease and master amendatory agreement thereto.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Revenue and the Governor that they may know of our concern and wishes in this matter.

Approved June 18, 1999

Time: 7:56 A.M.

Act No. 99-499

II. 181 – Reps. Hawk, Buskey, Mancuso,
Thomas (J) and Kennedy

AN ACT

To make an appropriation of \$1,611,112 from the Education Trust Fund to the Sickie Cell Education Program in Alabama for the support and maintenance of programs providing information, education, and research on sickle cell disease and providing services to individuals with sickle cell disease, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$1,611,112 from the Education Trust Fund to the Sickie Cell Education Program in Alabama for the support and maintenance of programs providing information, education, and research on sickle cell disease and providing services to individuals with sickle cell disease, for the fiscal year ending September 30, 2000. The above appropriation shall be allocated as follows:

- | | |
|---|-----------|
| (a) North Central Alabama
Sickle Cell Foundation, Inc.-
Birmingham, Alabama..... | \$270,420 |
| To be expended for sickle cell
disease programs in 22
counties in north and cen-
tral Alabama. Programs
may include education, test-
ing, counseling, and patient
support services. | |
| (b) Sickie Cell Disease Associa-
tion of Gulf Coast, Alabama-
Mobile, Alabama..... | \$251,417 |

To be expended for sickle cell disease programs in the nine county Gulf Coast health services region. Programs may include education, screening, genetic counseling, and supportive services.

- (c) Sickle Cell Foundation of Greater Montgomery, Inc.-
Montgomery, Alabama

\$149,363

To be expended for sickle cell disease programs in Montgomery, Elmore, Lowndes, Autauga, and Butler counties. Programs may include community education, testing and genetic counseling, technical assistance, and patient assistance.

- (d) Southeast Alabama Sickle Cell Association-Tuskegee,
Alabama

\$174,565

To be expended for sickle cell disease programs in 15 counties in southeast Alabama. Programs may include education, screening and counseling, referral, and support services.

- (e) Tri-County West Central Alabama Sickle Cell Anemia Association, Inc.-Selma, Alabama.....

\$111,335

To be expended for sickle cell disease programs in Dallas, Perry, and Wilcox counties. Programs may include education, testing, counseling, and patient support services.

- (f) North Alabama Sickle Cell Foundation, Inc.-Huntsville,
Alabama

\$163,317

To be expended for sickle cell disease programs in eight counties in north Alabama. Programs may include education, testing, counseling, and patient support services.

(g) West Alabama Sickle Cell Foundation, Inc.-Tuscaloosa, Alabama \$64,500

To be expended for sickle cell disease programs in west Alabama. Programs may include education, testing, counseling, medical referrals, and patient support services.

(h) Children's Hospital of Birmingham, Alabama \$48,632

To be expended for services to individuals with sickle cell disease. Services include testing, counseling, medical care, and research.

(i) Children's and Women's Hospital-Comprehensive Sickle Cell Center-Mobile, Alabama \$243,563

To be expended for services to individuals with sickle cell disease. Services include testing, counseling, medical care, and research.

(j) University of Alabama at Birmingham Comprehensive Sickle Cell Center \$134,000

To be expended for services to individuals with sickle cell disease. Services include testing, counseling, medical care, and research.

Section 2. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget

and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-500

H. 183 – Rep. Hawk

AN ACT

To make an appropriation of \$150,000 from the Education Trust Fund to the Alabama Sports Festival in Montgomery, Alabama for the support and maintenance of a program providing academic scholarships and promoting Olympic-style

competition for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$150,000 from the Education Trust Fund to the Alabama Sports Festival in Montgomery, Alabama for the support and maintenance of a program providing academic scholarships and promoting Olympic-style competition for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-501

H. 158 – Rep. Hawk

AN ACT

To make an appropriation from the Education Trust Fund in the State Treasury to the Department of Public Health in the amount of \$12,561,697 for the fiscal year ending September 30, 2000, for educational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$12,561,697 is appropriated from the Education Trust Fund in the State Treasury to the Department of Public Health for the fiscal year ending September 30, 2000, to be distributed as follows:

(a) Health Support Services Program \$7,175,925

The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, licensure and certification, immunization activities at the county level, patient education and child health.

(b) Personal Health Services Program \$3,004,503

The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services.

(c) Rural Nurses Training Program \$1,576,169

Of the above appropriation \$650,000 shall be expended for the continuation of the Southern Union Community College Rural Nursing Program, \$150,000 shall be expended at Central Alabama Community College, \$120,000 shall be expended at the Alabama Southern Community College Rural Nurses Training Program, \$100,000 shall be expended at the Wallace Community College in Selma Rural Nurses Training Program, \$150,000 shall be expended at the Northeast Junior College Rural Nursing Program, \$150,000 shall be expended at the Alabama Southern Nursing

Program, \$6,169 shall be expended at the Phenix Regional Hospital in Phenix City, \$50,000 shall be expended at Reid State Technical College Rural Nurses Training Program, \$50,000 shall be expended at Wallace State Community College in Selma Rural Nursing Program, and \$150,000 shall be expended at Jefferson State Community College Nursing Program.

(d) Osteoporosis Education Program \$196,100

(e) HIV Education \$159,000

(f) Health Related Training Programs \$250,000

The above appropriation shall be expended for Health Related Training Programs at Shelton State Community College.

(g) Cooper Green Community Health Development Programs \$150,000.

(h) Nurses Training Program \$50,000

The above appropriation shall be expended at Jefferson State Community College.

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective on October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-502

H. 185 – Rep. Hawk

AN ACT

To make a supplemental appropriation from the Education Trust Fund to the Department of Finance in the amount of \$600,000 for the fiscal year ending September 30, 1999 and to the State Department of Education-Financial Assistance Program in the amount of \$560,000 for the fiscal year ending September 30, 1999 and to Jacksonville State University for the Ft. McClellan Development Joint Powers Authority in the amount of \$50,000 for the fiscal year ending September 30, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Education Trust Fund to the Department of Finance \$600,000 for the fiscal year ending September 30, 1999 to be distributed by the State Comptroller to the designated beneficiaries or estates for unused sick leave pursuant to Code of Alabama, Section 16-1-18.2. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Department of Finance.

Section 2. There is hereby appropriated from the Education Trust Fund to the State Department of Education \$560,000 for the fiscal year ending September 30, 1999 to be expended \$360,000 for children's eye screening and \$200,000 for studying and implementing a plan to prevent school violence. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the State Department of Education.

Section 3. There is hereby appropriated from the Education Trust Fund to Jacksonville State University for the Ft. McClellan Development Joint Powers Authority the sum of \$50,000 for the fiscal year ending September 30, 1999. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to Jacksonville State University. Notwithstanding any other provision of law, any funds appropriated pursuant to this section remaining unexpended at the end of the fiscal year shall not revert to the Education Trust Fund, but is hereby reappropriated for expenditure in the fiscal year ending September 30, 2000.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-503

H.J.R. 510 – Reps. McDaniel and Lindsey

HOUSE JOINT RESOLUTION

COMMENDING THE GERALDINE LADY BULLDOGS VARSITY SOFTBALL TEAM ON WINNING THE 1999 CLASS 2A GIRLS SOFTBALL STATE CHAMPIONSHIP.

WHEREAS, highest commendations and congratulations are herein extended to the Geraldine Lady Bulldogs Varsity Softball Team of Geraldine, Alabama, on winning the 1999 Class 2A Girls Softball State Championship at the state tournament which was held at Lagoon Park in Montgomery, Alabama; and

WHEREAS, the talented Geraldine Lady Bulldogs Varsity Softball Team won their first-ever state softball title by sweeping West Morgan 7-0 and 14-13 in the final round, thus capturing the coveted title and bringing immense happiness and pride to their school and community; and

WHEREAS, under the capable leadership of Head Coach Chris Andrews and Assistant Coach Mark Hale, the girls varsity softball team completed the season with an impressive 46-8 record, the best season in the history of their program; and

WHEREAS, the members of the Geraldine Lady Bulldogs Varsity Softball Team who contributed to this outstanding 1999 season are Mandy Mountain, Leah Day, Lindsey Cofield, Angie Burgess, Ashley Frasier, Casey Frasier, Lauren Monroe, Brook Galloway, Shellie Smith, Alicia Smothers, Mandy Rogers, Brandi Roberts, Julia Troxtel, Andra Sexton, and Stephanie Cline; and

WHEREAS, these fine young athletes indeed bring great honor to themselves, their school, and community and, along with their coaches, are deserving of highest praise for their outstanding efforts and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Geraldine Lady Bulldogs Varsity Softball Team is recognized, honored, and commended for its dedication, determination, and will-to-win spirit which culminated in an outstanding season and the capture of the 1999 Class 2A Girls Softball State Championship, and will be provided a copy of this resolution, in sincere tribute and esteem, for appropriate presentation and display with best wishes for future success.

Approved June 18, 1999

Time: 7:57 A.M.

Act No. 99-504

H.J.R. 511 – Reps. Sanderford, Haney
and Hall (A)

HOUSE JOINT RESOLUTION

COMMENDING THE VIRGIL GRISSOM HIGH SCHOOL BOYS SOCCER TEAM ON WINNING THE 1999 STATE SOCCER CHAMPIONSHIP.

WHEREAS, the Virgil Grissom High School Boys Soccer Team of Huntsville, Alabama, won the prestigious 1999 State Soccer Championship with a 27-2 record, thus bringing immense happiness and pride to their school and local community; and

WHEREAS, winning their fourth consecutive state championship and sixth during the 1990s, the Virgil Grissom High School Boys Soccer Team, of whom we are justly proud, was ranked seventh nationally and second regionally, demonstrating their determination and will-to-win spirit; and

WHEREAS, the spectacular 1999 Championship victory, culminating a remarkable season, showcased the exceptional skill and talent of Coaches Brendan O'Halloran and Greg Arndt, and other dedicated staff members; and

WHEREAS, the members of the Virgil Grissom High School Boys Soccer Team who contributed significantly to this outstanding 1999 season are varsity players William Aboko-Cole, Joel Bartlett, Jimmy Duggan, Nic Easterling, Zach Easterling, Pooya Eslami, Derek Forte, Dan Garber, Gabe Garcia, Chris Glick, Matt Hinton, Chase Layton, Nathan Locklar, John Mader, Craig Maples, Mark Martin, Jeff McNeill, Micky Plott, Jeremy Randall, Rick Rice, Chris Riggs, Siamac Salehy, Keith Sedberry, Andrew Stafford, Jeff Turner, and Jonathan Turner; and

WHEREAS, these fine young athletes bring great honor to themselves, their school, and the community, and, along with fellow students, faculty, staff, coaches, and followers of the Virgil Grissom High School Boys Soccer Team, are indeed deserving of highest praise for their outstanding efforts and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Virgil Grissom High School Boys Soccer Team of Huntsville, Alabama, is congratulated on winning the 1999 State Soccer Championship and on its outstanding 1999 season, and it is further directed that a copy of this resolution be provided for appropriate presentation to each team member and for school display.

Approved June 18, 1999

Time: 7:58 A.M.

Act No. 99-505

H.J.R. 512 – Rep. Grantland

HOUSE JOINT RESOLUTION

COMMENDING THE HARTSELLE HIGH SCHOOL TIGERS ON WINNING THE 1999 CLASS 5A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature is greatly pleased to commend the Hartselle High School Tigers of Hartselle, Alabama, on their outstanding achievement in winning the 1999 Class 5A State Baseball Championship; and

WHEREAS, the 1999 Championship victory, culminating a remarkable season, showcased the exceptional skill and talents of Coaches William Booth, Bob Young, T. J. Orr, and Chris Heaps, and other dedicated staff members, including "Voice of the Tigers" Bart Tittle, and the committed will-to-win spirit of each player; and

WHEREAS, members of this talented group of athletes, of whom we are justly proud, are: Brad Tittle, Tim Crow, Ben Blankenship, John Hall, Matt Engle, Jay Sivley, Trai Meadows, Michael Walters, David Pressley, Wes Shaneyfelt, Clay Osborne, Dan Whatley, Ken Clark, Joey Dukeminier, Chris Wimberly, Stephen Conway, Andrew Carden, Chris Brown, Zeke Eubanks, Jason Coots, Bart Hyche, and Trent Preuitt; and

WHEREAS, these fine young athletes bring great honor to themselves, their school, and the community, and, along with students, faculty, staff, coaches, and followers of the Hartselle High School Tigers, are indeed deserving of highest praise for their outstanding efforts and accomplishments; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate the Hartselle High School Tigers on winning the 1999 Class 5A State Baseball Championship, and it is further directed that a copy of this resolution be presented to Coaches William Booth, Bob Young, T. J. Orr, and Chris Heaps, and for appropriate display at Hartselle High School.

Approved June 18, 1999

Time: 7:59 A.M.

Act No. 99-506

H. 321 – Reps. Kennedy, Rogers (J),
Pringle, Buskey, Gaston,
Clark, Greene, Mitchell,
Dean, Turner, Major,
Curry, Morton, Gaines,
Dunn, Robinson (O),
Houston, Carns, Payne,
Humphries, Sanderson,
Parker (W) and Hilliard

AN ACT

To make an appropriation of \$625,000 from the Education Trust Fund to the Gulf Coast Exploreum Museum of Science in Mobile, Alabama for the support and maintenance of a hands-on health and science museum program for children and

adults, an appropriation of \$625,000 from the Education Trust Fund to the McWane Center in Birmingham, Alabama for the support and maintenance of a hands-on health and science museum program for children and adults, an appropriation of \$250,000 from the Education Trust Fund to the Birmingham Civil Rights Museum in Birmingham, Alabama, a conditional appropriation of \$625,000 from the Education Trust Fund to the North Alabama Science Center, Inc. in Huntsville for the support and maintenance of a hands-on health and science museum program for children and adults, an appropriation of \$100,000 from the Education Trust Fund to the Hank Aaron Park for the support and maintenance of said program, and a conditional appropriation of \$400,000 from the Education Trust Fund to the Hank Aaron Park for the maintenance of said program, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$625,000 from the Education Trust Fund to the Gulf Coast Exploreum Museum of Science in Mobile, Alabama for the support and maintenance of a hands-on health and science museum program for children and adults, for the fiscal year ending September 30, 2000.

Section 2. There is hereby appropriated the sum of \$625,000 from the Education Trust Fund to the McWane Center in Birmingham, Alabama for the support and maintenance of a hands-on health and science museum program for children and adults, for the fiscal year ending September 30, 2000.

Section 3. There is hereby appropriated the sum of \$250,000 from the Education Trust Fund to the Birmingham Civil Rights Museum in Birmingham, Alabama for the support and maintenance of an educational and cultural museum program for children and adults, for the fiscal year ending September 30, 2000.

Section 4. There is hereby conditionally appropriated the sum of \$625,000 from the Education Trust Fund to the North Alabama Science Center, Inc. in Huntsville for the support and maintenance of a hands-on health and science museum program for children and adults, for the fiscal year ending September 30, 2000, to be conditioned upon the availability of funds in the Education Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 5. There is hereby appropriated the sum of \$100,000 from the Education Trust Fund to the Hank Aaron Park in Mobile for the support and maintenance of the program, for the fiscal year ending September 30, 2000. In addition, there is hereby conditionally appropriated the sum of \$400,000 from the Education Trust Fund to the Hank Aaron Park in Mobile for the support and maintenance of said program, for the fiscal year ending September 30, 2000, to be conditioned upon the availability of funds in the Education Trust

Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 6. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriations shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 7. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-98.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 8. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-507

H. 164 – Reps. Hawk, Buskey and Mancuso

AN ACT

To make an appropriation of \$489,375 from the Education Trust Fund to Marion Military Institute in Marion, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30,

2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$489,375 from the Education Trust Fund to Marion Military Institute in Marion, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-508

H. 166 – Reps. Hawk, Buskey
and Kennedy

AN ACT

To make an appropriation of \$5,070,239 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$5,070,239 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000. Of the above appropriation, \$678,126 shall be expended for the agricultural research and extension service state match.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing

the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-509

H. 163 – Reps. Hawk and Buskey

AN ACT

To make an appropriation of \$228,373 from the Education Trust Fund to Lyman Ward Military Academy in Camp Hill, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$228,373 from the Education Trust Fund to Lyman Ward Military Academy in Camp Hill, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-510

H. 165 – Reps. Hawk, Buskey, Boyd
and Kennedy

AN ACT

To make an appropriation of \$472,927 from the Education Trust Fund to Talladega College in Talladega, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$472,927 from the Education Trust Fund to Talladega College in Talladega, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:00 A.M.

Act No. 99-511

H. 207 – Reps. Knight, Hooper, Page,
Dean, Robinson (O),
Houston, McClurkin,
Jackson, Rogers (J),
Morrison, Melton and
Hall (L)

AN ACT

To make a conditional appropriation of \$2,800,000 from the State General Fund to the Children's Advocacy Programs in Alabama for the support and operations of the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Center, Inc., for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds, and requires quarterly and end of the year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$2,800,000 from the State General Fund to the Children's

Advocacy Programs in Alabama for the support and operations of the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Center, Inc., for the fiscal year ending September 30, 2000. The above conditional appropriation shall be allocated as follows:

Prescott House-Birmingham.....	125,000
National Children's Advocacy Center, Inc.-Huntsville	125,000
The Child Advocacy Center, Inc.-Mobile	125,000
Montgomery Child Protection and Advocacy	125,000
Tuscaloosa Children's Center, Inc.	125,000
Bessemer Cut-Off Advocacy Center, Inc.	125,000
Biount County Children's Center, Inc.	125,000
Gadsden-Etowah County Children's Advocacy Center, Inc.	125,000
CARE House-Baldwin County	125,000
Calhoun-Cleburne Children's Center, Inc.....	125,000
Northwest Alabama Children's Advocacy Center-Florence.....	125,000
Alabama Network of Children's Advocacy Centers, Inc.-Montgomery	300,000
DeKalb County Child Advocacy Center	125,000
St. Clair County Child Advocacy Center.....	125,000
Shelby County Advocacy Center, Inc.	125,000
Southeast Alabama Child Advocacy Center-Dothan.....	125,000
East Alabama Child Advocacy Center-Opelika	125,000
Children's Advocacy Center of Marshall County, Inc.....	125,000
Children's Advocacy Center of Cullman, Inc.	125,000
Russell County Child Advocacy Center, Inc.	125,000
Butler County Children's Advocacy Center, Inc.	125,000

The above appropriation is conditioned solely upon a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180). In the event there is not sufficient revenue from the statutory remedy or from increased revenue to the State General Fund, or both, to fund all conditional appropriations from the General Fund which are contingent upon a statutory remedy to the loss of franchise taxes, the Finance Director shall allot each such conditional appropriation on a pro rata basis.

Section 2. The above appropriation is made for the support and maintenance of the above programs. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this Act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the Director of Finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the Director of Finance following receipt of the above reports.

(c) In addition, quarterly reports for fiscal year 1999-2000 shall be made to the Director of Finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-512

H. 182 – Reps. Hawk, Buskey,
Mancuso and
Kennedy

AN ACT

To make an appropriation of \$5,117,991 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs, schools, and services for special education, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code

of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$5,117,991 from the Education Trust Fund to the State Board of Education for special programs, schools, and services for special education, for the fiscal year ending September 30, 2000. The above appropriation shall be allocated as follows:

(a) Jefferson County ARC	241,862
(b) Lawrence County ARC-Bill Stewart Center	26,150
(c) Baldwin County ARC.....	31,380
(d) Cherokee County Education Center for Retarded Citizens	18,305
(e) Limestone County ARC-Birdie Thornton Center.....	48,116
(f) Blount County ARC	46,610
(g) Calhoun/Cleburne County ARC	88,910
(h) Clarke County ARC	31,380
(i) DeKalb County ARC	67,990
(j) Eastern Elmore County ARC	31,380
(k) Etowah County/Gadsden ARC	31,380
(l) Fayette County/Lamar County ARC	31,380
(m) Jackson County ARC Achievement Center	62,760
(n) Walker County ARC-Marion Bankhead Grant Center	74,266
(o) Marshall County ARC	41,380
(p) Mobile ARC	101,462
(q) Morgan County ARC.....	41,840
(r) North Talladega County ARC	38,860
(s) Shelby County ARC	31,380
(t) South Talladega County ARC	38,860
(u) St. Clair County ARC	36,610
(v) Winston County/Marion County ARC	52,300
(w) Adam Bishop Center-Jasper-Walker County.....	31,642
(x) Allan Cott School-Jefferson County.....	83,945

(y)	Butler Activity and Training Center for the Mentally Retarded in Greenville-Butler County	47,070
(z)	Clark Smeltzer Educational Center Center-Gadsden-Etowah County	30,073
(aa)	Cullman County Center for the Developmentally Disabled.....	167,360
(bb)	Dallas County Day Care and Training Center-Cahaba Center for Mental Retardation	45,214
(cc)	Duke School for Adult Mentally Retarded-Calhoun County	36,610
(dd)	Hope Haven School-Colbert County	48,326
(ee)	Louise Smith Development Center-Autauga County	62,760
(ff)	Madison County Opportunities Center	120,000
(gg)	McGraw Activity Center-Tuscaloosa County	177,820
(hh)	McKinney Learning Center-Talladega County	31,760
(ii)	Merle Wallace Purvis Center-Geneva County	96,250
(jj)	Randolph County Learning Center	33,180
(kk)	Sara Dinsmore ARC Training Facility-Franklin County	31,380
(ll)	Valley Haven School-Chambers County.....	283,750
(mm)	Vaughn-Blumberg Center for the Developmentally Disabled-Houston County	72,490
(nn)	Vivian B. Adams School-Dale County	279,904
(oo)	EXCEL, Inc.-Etowah County	65,375
(pp)	Hope Project-Montgomery County.....	70,545
(qq)	Lee Scan of Lee County	22,384
(rr)	McInnis School-Montgomery County	426,045
(ss)	Cherokee County Board of Education-Dee Day School.....	17,500
(tt)	Northeast Alabama State Community College-Jackson/DeKalb County Special School	60,000
(uu)	Mobile County Board of Education-Southwest School for Deaf and Blind.....	470,000

Of the above appropriation \$94,000 shall be expended for the Volunteers of America-South Alabama, for a program at the Center for the Deaf and Hard of Hearing.

(vv)	Mobile County Board of Education-Augusta Evans Special School	20,000
(ww)	Jefferson County Board of Education-Burkett Multi-Handicapped Center	40,000
(xx)	Coffee County Board of Education-Project Independence	40,000
(yy)	Birmingham City Board of Education EPIC School	36,400
(zz)	Alabama A and M University-North Alabama Center for Educational Excellence.....	18,000
(aaa)	Russellville City Board of Education- Multi-Handicapped Center	37,151
(bbb)	Bear Creek Education Center-Russellville City Board of Education	30,000
(ccc)	Achievement Center-Easter Seal-Opelika	17,500
(ddd)	Anniston Museum of Natural History-Calhoun County	92,876
(eee)	Autauga County Family Support Center	25,000
(fff)	Project Headstart-Gadsden.....	20,000
(ggg)	Cedar Grove Preparatory Academy-Prichard, Alabama	99,863
(hhh)	Children's Village-Jefferson County.....	35,000
(iii)	Governor's School	35,000
(jjj)	Historic Ironworks Commission-for educational programs at the Brierfield Learning Center -Bibb County and the Tannehill Learning Center-Tuscaloosa County.....	20,000
(kkk)	John W. Inzer Museum	25,000
(lll)	Montgomery Institute for Neurological Development-Montgomery	33,757
(mmm)	Quest for Excellence-Gadsden/Etowah County	62,500
(nnn)	Volunteers of America-North Alabama	94,000
(ooo)	Macon County YMCA.....	10,000

(ppp) Tuskegee Civil Rights and Multicultural Museum	25,000
(qqq) Freedom Forum	50,000
(rrr) Southern Stories Foundation	225,000

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above programs, schools, and services. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-98.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-513

H.J.R. 494 – Reps. Boothe and Hammett

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE STEVE FLOWERS FOR EXEMPLARY LEGISLATIVE SERVICE.

WHEREAS, it is with great pride that we recognize and commend our friend and colleague former Representative Steve Flowers for his distinguished legislative service to the people of Pike and Dale Counties from 1982 to 1998; and

WHEREAS, a long-time resident of Troy, Alabama, Mr. Flowers received his B.A. degree from the University of Alabama in 1973 and is currently enjoying a successful career in insurance and real estate; and

WHEREAS, he demonstrated his legislative leadership skills during his distinguished 16-year public service career, serving as chair of both the House Health Committee and the House Insurance Committee, and as Alabama's vice chairman for the American Legislative Exchange Council; he served for 16 consecutive years as a member of both the House Health Committee and the House Insurance Committee, sustained a perfect legislative attendance record for 16 consecutive years, and served as a member of the Energy Council and the Reapportionment Committee; and

WHEREAS, distinguishing himself at an early age, Mr. Flowers was selected as "Alabama's Most Outstanding High School Leader" by the Birmingham News in 1969, and continued his impressive record of achievements as a stalwart leader of the conservative and pro-business efforts in Alabama, a champion of victims of crime, and at the helm of efforts to rid Alabama of pornography and obscene literature; and

WHEREAS, we are particularly proud and appreciative of Mr. Flower's impressive array of professional awards, including his Outstanding Service to Agriculture Award and selection as the 1984 Victims of Crime Outstanding Legislator, the 1988 Most Ethical Member of the Alabama House of Representatives, the 1991 Outstanding Legislator of the Year, and the 1992 Most Outstanding Member of the Alabama House of Representative; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend our friend and former colleague Steve Flowers for his exemplary 16 years of service in the Alabama House of Representatives and, by copy of this resolution, extend to him highest praise and best wishes for continuing success in all future endeavors.

Approved June 18, 1999

Time: 7:44 A.M.

Act No. 99-514

H. 316 – Rep. Hawk

AN ACT

To amend Section 40-1-32.1, Code of Alabama 1975 relating to the Education Trust Fund Proration Prevention Act of 1988; to further provide for the Education Trust Fund Proration Prevention Account; to appropriate monies to the account; and to provide methods for withdrawals and repayment.

Be It Enacted by the Legislatue of Alabama:

Section 1. Section 40-1-32.1, of the Code of Alabama 1975, is amended to read as follows:

“§40-1-32.1.

“(a) Short title. – This section shall be known as The Education Trust Fund Proration Prevention Act of 1988.

“(b) Establishment of Proration Prevention Account. – This There is hereby created and shall be a distinct and separate fund established within the State Treasury, to be known as the Education Trust Fund Proration Prevention Account, to which monies shall be deposited as provided herein for the purpose of preventing proration of funds which have been appropriated by the Legislature from the Education Trust Fund. Monies which accrue in the Education Trust Fund Proration Prevention Account shall not be subject to appropriation except as provided in this section.

“(c) Appropriations. – The following monies are hereby appropriated to the Education Trust Fund Proration Prevention Account:

“(1) Beginning on October 1, 1999 and on October 1 of each fiscal year thereafter, there is hereby appropriated into the Education Trust Fund Proration Prevention Account, established in subsection (b) above, twenty percent (20%) of the ending balance in the Education Trust Fund from the preceding fiscal year that was unanticipated and unappropriated by the Legislature as a beginning balance in the current fiscal year. The Legislature shall set forth the amount of the beginning balance anticipated and appropriated in the Education Trust Fund appropriation act each year beginning in the Education Trust Fund appropriation act for the fiscal year beginning October 1, 1999. The Finance Director shall transfer 20% of the unanticipated and unappropriated beginning balance by October 15 of each year.

“(2) The appropriation made above shall continue until the account shall have attained an amount of at least \$75,000,000.

“(d) Withdrawals. – Money in the Education Trust Fund Proration Prevention Account may be withdrawn only:

“(1) To prevent proration in the Education Trust Fund. The Governor of the State of Alabama must certify to the State Comptroller and notify the Legislature that proration would occur in the Education Trust Fund before funds could be withdrawn. Upon said certification by the Governor, withdrawals may be executed under the direction of the Governor; however, withdrawals must be limited to the amount of the anticipated proration and funds allotted only to the extent necessary to avoid proration of appropriations in the Education Trust Fund, or

“(2) By an act of the Legislature with a recorded vote of at least two-thirds of the membership of each legislative chamber.

“(e) Repayment. – Monies withdrawn under the provisions of subsection (d) shall be repaid as provided by the Legislature, at its discretion, until the account is restored to a minimum of \$75,000,000. Repayment of funds may be suspended during those fiscal years in which the Education Trust Fund is actually prorated. Repayment of monies withdrawn from said account shall not be required during a fiscal year in which said repayment will cause proration.

“(f) Interest. – Any monetary interest which accrues in the Proration Prevention Account shall be retained in said account from year to year and shall be subject only to the provisions of this section.

“(g) Reversion to trust fund. – Any amount of money in the Proration Prevention Account which is in excess of 10 percent of the preceding year’s Education Trust Fund appropriations act shall revert back to the Education Trust Fund for the support and maintenance of public education.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 8:10 A.M.

Act No. 99-515

H. 356 – Rep. Hooper

AN ACT

To make a supplemental appropriation from the Alcohol and Drug Abuse Court Referral Officer Trust Fund in the State Treasury to the Administrative Office of Court’s Mandatory Alcohol and Drug Treatment Program in the amount of five hundred thousand dollars (\$500,000) for the fiscal year ending September 30, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the Alcohol and Drug Abuse Court Referral Officer Trust Fund in the State Treasury to

the Administrative Office of Court's Mandatory Alcohol and Drug Treatment Program the sum of five hundred thousand dollars (\$500,000) for the fiscal year ending September 30, 1999. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Administrative Office of Court's Mandatory Alcohol and Drug Treatment Program.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 8:15 A.M.

Act No. 99-516

H. 178 – Rep. Hawk

AN ACT

To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation in Birmingham, Alabama for the support and maintenance of a program to conduct eye research, education, and related services, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation in Birmingham, Alabama for the support and maintenance of a program to conduct eye research, education, and related services, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted

to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 8:05 A.M.

Act No. 99-517

S. 189 – Senator Sanders

AN ACT

To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center in Selma, Alabama for the support and maintenance of the Learning House, Saturday University, Youth Leadership Development, Black Belt Arts and Cultural Center and Mothers of Many programs, for the fiscal year ending September 30, 2000; to make an appropriation of \$60,000 from the Education Trust Fund to the Twenty First Century Youth Leadership Training Project in Perry County, Alabama for the support and maintenance of a youth leadership development program, for the fiscal year ending September 30, 2000; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$47,000 from the Education Trust Fund to the Black Belt Human Resource

Development Center in Selma, Alabama for the support and maintenance of the Learning House, Saturday University, Youth Leadership Development, Black Belt Arts and Cultural Center and Mothers of Many programs for the fiscal year ending September 30, 2000.

Section 2. There is hereby appropriated the sum of \$60,000 from the Education Trust Fund to the Twenty First Century Youth Leadership Training Project in Perry County, Alabama for the support and maintenance of a youth leadership development program for the fiscal year ending September 30, 2000.

Section 3. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a

client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 10:00 A.M.

Act No. 99-518

S. 275 – Senator Barron

AN ACT

To amend Section 34-27-35, Code of Alabama 1975, relating to the licensing and certification of real estate salespersons and brokers, to remove the provision that persons over the age of 65 who have been licensed for 10 years are exempt from the continuing education requirement and increase the hours of continuing education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-27-35, Code of Alabama 1975, is amended to read as follows:

“§34-27-35.

“(a) The commission shall prescribe the form and content of license certificates issued. Each qualifying broker’s license certificate shall show the name and business address of the broker. The license certificate of each active salesperson or associate broker shall show his or her name and address. The license certificate of each active salesperson or associate broker shall be delivered or mailed to his or her qualifying broker. Each license certificate shall be kept by the qualifying broker and shall be publicly displayed at the address which appears on the license certificate.

“(b) The commission may establish a one-year or multi-year license period.

“(c) The original fee for a broker’s license shall be forty-five dollars (\$45) per year for each year or portion of a year remaining in the respective license period, and the renewal fee for a broker’s license shall be forty-five dollars (\$45) per year for each year of the license period. The original fee for each salesperson’s license shall be thirty-five dollars (\$35) per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each salesperson’s license shall be thirty-five dollars (\$35) per year for each year of the license period. The original fee for each company license shall be thirty-five dollars (\$35) per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each license shall be thirty-five dollars (\$35) per year for each year of the license period.

“(d) The renewal research and education fee shall be two dollars and fifty cents (\$2.50) per year for each year of the license period, and shall be paid at the time of license renewal by all brokers and salespersons in addition to the license renewal fees set out in this section. Collection of this fee shall begin and shall apply to all broker and salesperson renewals on and after August 1, 1996, except that brokers who hold more than one broker’s license shall pay the fee for only one license at each renewal.

“(e) The original research and education fee shall be thirty dollars (\$30) and shall be paid at the time of all applications received on and after October 15, 1995, for issuance of an original broker’s license, and shall be paid at the time of all applications received on and after October 15, 1995, for issuance of a temporary salesperson’s license. This is in addition to the original license fees set out in this section, and is in addition to the temporary license fee set out in Section 34-27-33. This thirty dollar (\$30) original research and education fee is a one-time fee which no person shall be required to pay more than once.

“(f) The license of a salesperson who is subsequently issued a broker’s license automatically terminates upon the issuance of his or her broker’s license certificate. The salesperson’s license certificate shall be returned to the commission in order for a broker’s license to be issued. If the salesperson’s license is terminated during a year prior to the final year of a multi-year license period, the licensee shall receive a refund equal to the license fee paid for each full year remaining in the respective license period. No refund shall be made of any penalty fee or recovery fund deposit pertaining to the salesperson’s license.

“(g) The commission shall prescribe a license renewal form, which shall accompany renewal fees, proof of errors and omissions insurance coverage, if applicable, and proof of completion of not less than 15 clock hours of approved continuing education course work, if applicable, and all shall be filed on or before August 31 of the final year of each license period in order for the respective license to be renewed on a timely basis for the following license period. Failure to meet this deadline shall result in the license being placed on inactive status on the following October 1, and the license shall be subject to all reactivation requirements. Reactivations shall be processed in the order received as evidenced by postmark or delivery date. Certified or registered mail shall not be used for reactivation in these cases. Licensees who renew during the period from September 1 of the final year of a license period through September 30 of the initial year of a license period shall pay the required license fee, plus a penalty of sixty-five dollars (\$65).

“(h) The renewal form shall be mailed by the commission to the licensee’s place of business, if an active licensee, or to his or

her residence if an inactive licensee, prior to August 1 of the final year of each license period. Each licensee shall notify the commission in writing of any change in his or her business or residence address within 30 days of the change.

“(i) Every license shall expire at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12-month period following the license period for which the license was current. A licensee who fails to renew before the end of the 12-month period following the license period for which the license was issued has a lapsed license, and shall be subject to all requirements applicable to persons who have never been licensed, however, the commission may upon determination of hardship, allow later renewal upon payment of all fees and penalties. An inactive license must be renewed in the same manner as an active license.

“(j) (1) Each applicant for renewal of an active salesperson or broker license issued by the commission shall, on or before August 31 of the final year of each license period, submit proof of completion of not less than 15 clock hours of approved continuing education course work to the commission, in addition to any other requirements for renewal. Failure to meet this deadline shall result in the license being placed on inactive status on the following October 1, and the license shall be subject to all reactivation requirements. Reactivations shall be processed in the order received as evidenced by postmark or delivery date. Certified or registered mail shall not be used for reactivation in this case. The commission shall not approve any continuing education course work to be taught in any part during the month of September of the final year of a license period. The commission shall not accept any continuing education course work taken in any part during the month of September of the final year of a license period. Proof of attendance at the course work, whether or not the applicant attained a passing grade in the course, shall be sufficient to satisfy requirements for renewal. The 15 clock hours’ course work requirement shall apply to each two-year license renewal, and hours in excess of 15 shall not be cumulated or credited for the purpose of subsequent license renewals. The commission shall develop standards for approval of courses, and shall require certification of the course work of the applicant.

“Time served as a member of the State Legislature during each license renewal period shall be deemed the equivalent of the 15 hours course work and shall satisfy the requirements of this subsection.

“(2) This section shall apply to renewals of licenses which expire after September 30, 1986. An applicant for first renewal who has been licensed for not more than one year shall not be required to comply with this section for the first renewal of the applicant’s license. Any licensee reaching the age of 65 on or before

September 30, 2000, and having been licensed 10 years prior to that date shall be exempt from this section.

“(3) Continuing education shall not result in a passing or failing grade.

“(k) A licensee may request that the commission issue his or her license to inactive status. Inactive licenses shall be held at the commission office until activated. No act for which a license is required shall be performed under an inactive license.”

Section 2. This act shall become effective on October 1, 2000.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-519

S. 430 – Senator Sanders

AN ACT

Relating to Lowndes County; providing for an additional expense allowance for each member of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Lowndes County Board of Registrars shall be entitled to receive an additional expense allowance in the amount of twenty dollars (\$20) per day to be paid out of the county general fund. This expense allowance shall be in addition to any and all other compensation, salary, and expense allowances provided by law.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-520

S. 431 – Senator Sanders

AN ACT

Relating to Lowndes County; providing for an additional expense allowance and providing for the salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of Lowndes

County shall be entitled to an additional expense allowance in the amount of five thousand four hundred dollars (\$5,400) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the sheriff shall be increased by the amount of this expense allowance and any other fixed expense allowance provided by law per annum, payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. The amount of any expense allowance or salary increase provided by this act as a result of the conversion of the expense allowance in Section 1 to salary shall be reduced by the amount of any statewide expense allowance or salary increase provided by general law prior to the commencement of the next term of office of the sheriff.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-521

S. 535 – Senator Mitchell

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Luverne in Crenshaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Luverne in Crenshaw County are altered, rearranged, and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Parcel One:

Commence at the SW corner of the SE 1/4 of the SW 1/4 of Section 20, Township 9 North, Range 18 East; thence running in a Northerly direction along the West line of said quarter-quarter Section for a distance of 500 feet to a point on the South line of the existing Industrial Park Annexation made in March 17, 1992, by Act # 92-100; thence

running South 84 degrees 47' E for a distance of 280 feet; thence North 82 degrees 13' E for a distance of 380.7 feet; thence N 25 degrees 18' W for a distance of 421.4 feet; thence N 32 degrees 10' W for a distance of 492.1 feet; thence N 87 degrees 58' E for a distance of 365.6 feet; thence N 00 degrees 49' W for a distance of 1357.0 feet; thence South 87 degrees 48' W for a distance of 2421.1 feet; thence South 1 degree 30' E for a distance of 435.2 feet; thence South 39 degrees 7' W for a distance of 416.9 feet; thence South 9 degrees 26' W for a distance of 259.5 feet; thence S 67 degrees 26' E for a distance of 118.6 feet; thence S 8 degrees 49' E for a distance of 119.8 feet; thence South 10 degrees 45' W for a distance of 85 feet to the South line of the NE 1/4 of the SE 1/4 of Section 19, Township 9 North, Range 18 East; thence run in a Westerly direction to the East right-of-way line of U.S. Highway 331; thence run in a Northerly direction along the East right-of-way of U.S. Highway 331 to the point of intersection of the North line of the S 1/2 of the NE 1/4 of the NE 1/4 of Section 19, Township 9 North, Range 18 East, with the East right-of-way of U.S. 331. With said point of intersection being 660 feet North of the center-line of the Airport Highway; thence running in an Easterly direction along the North line of the S 1/2 of the NE 1/4 of the NE 1/4 of Section 19, to the East line of Section 19; thence continue in an Easterly direction along the North line of the S 1/2 of the N 1/4 of Section 20, Township 9 North, Range 18 East, to the East line of said Section 20; thence running in a Southerly direction along the East line of Section 20 for a distance of 660 feet to the NW corner of the SW 1/4 of the NW 1/4 of Section 21, Township 9 North, Range 18 East; thence running in an Easterly direction along the South line of the N 1/4 of Section 21, Township 9 North, Range 18 East, to the NE corner of the SW 1/4 of the NE 1/4 of Section 21, Township 9 North, Range 18 East; thence running in a Southerly direction along the West line of the E 1/4 of Section 21 to the SW Corner of the SE 1/4 of the SE 1/4 of Section 21, Township 9 North, Range 18 East with said point being on the existing Luverne City Limit line; thence running in a Westerly direction along the South lines of Sections 21 and 20 back to the Point of Beginning. Said property being a part of the NE 1/4 of the SE 1/4 of Section 19, the SE 1/4 of the NE 1/4 of Section 19, and the S 1/2 of the NE 1/4 of the NE 1/4 of Section 19, all in Township 9 North, Range 18 East, and a part of the East 1/2 of the SW 1/4 of Section 20, the S 1/2 of the N 1/4 of Section 20, and all of the S 1/2 of N 1/2 of Section 20, and all of the SE 1/4 of Section 20, Township 9 North, Range 18 East, and the S 1/2 of the NW 1/4 of Section 21, SW 1/4 of NE 1/4 of Section 21, and the SW 1/4 of Section 21, Township 9 North, Range 18 East, Crenshaw County, Alabama.

Parcel Two:

Commencing at the NE corner of the NE 1/4 of the SE 1/4 of Section 31, Township 9 North, Range 18 East; thence running in a

Westerly direction along the North line of the SE 1/4 of the Section to the NW corner of the SE 1/4 of Section 31, Township 9 North, Range 18 East; thence running in a Southerly direction along the West line of the SE 1/4 of Section 31, Township 9 North, Range 18 East to the SW corner of said SW 1/4 of Section 31, Township 9 North, Range 18 East; thence continuing along the West line of the E 1/2 of Section 6, Township 8 North, Range 18 East, to the SW corner of the SE 1/4 of Section 6, Township 8 North, Range 18 East; thence continuing in a Southerly direction along the West line of the E 1/2 of Section 7, Township 8 North, Range 18 East to the SW corner of the SE 1/4 of Section 7, Township 8 North, Range 18 East; thence running in an Easterly direction along the South lines of Sections 7, 8 and 9 to the SE corner of the SW 1/4 of Section 9, Township 8 North, Range 18 East; thence running in a Northerly direction along the East line of the SW 1/4 of Section 9, Township 8 North, Range 18 East to the NE corner of the SW 1/4 of Section 9, Township 8 North, Range 18 East to a point on the existing Luverne City Limit line; thence running in a Westerly direction along the existing city limit line being the North line of the SW 1/4 of Section 9 to the NW corner of the SW 1/4 of Section 9; thence running in a Northerly direction along the existing city limit line being the West line of the NW 1/4 of Section 9 to the NW corner of Section 9, Township 8 North, Range 18 East; thence running in a Westerly direction along the existing city limit line being the South line of Section 5 to the SW corner of Section 5, Township 8 North, Range 18 East; thence running in a Northerly direction along the existing city limit line being the West line of Section 5 to the NW corner of Section 5, Township 8 North, Range 18 East; thence continuing in a Northerly direction along the existing city limit line being the West line of the SW 1/4 of Section 32, Township 9 North, Range 18 East back to the Point of Beginning. Said property lying in the SE 1/4 of Section 31, Township 9 North, Range 18 East; the E 1/2 of Sections 6 and 7, Township 8 North, Range 18 East; all of Section 8, Township 8 North, Range 18 East; and the SW 1/4 of Section 9, Township 8 North, Range 18 East, Crenshaw County, Alabama.

Section 2. In accordance with Section 11-42-6 (b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Luverne is on file in the office of the Judge of Probate in Crenshaw County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 18, 1999

Time: 11:01 A.M.

Act No. 99-522

H.J.R. 178 – Rep. Hall (L)

HOUSE JOINT RESOLUTION

URGING CONGRESS TO ENACT LEGISLATION TO AMEND THE SOCIAL SECURITY ACT PROHIBITING THE RECOUPMENT FROM THE MEDICAID AGENCY OF FUNDS DISTRIBUTED TO THE STATE ACCORDING TO THE ATTORNEYS GENERAL MASTER TOBACCO SETTLEMENT AGREEMENT.

WHEREAS, on November 23, 1998, representatives from 46 states signed a settlement agreement with the five largest tobacco manufacturers; and

WHEREAS, the Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when states began filing lawsuits for reimbursement of medical care contracts related to tobacco usage against the tobacco industry; and

WHEREAS, the respective states are presently in the process of finalizing the terms of the Master Tobacco Settlement Agreement, and are making initial fiscal determinations relative to the most responsible ways and means to utilize the settlement funds; and

WHEREAS, under the terms of the agreement, tobacco manufacturers will pay \$206 billion over the next 25 years to the respective states in initial and on-going annual payments; and

WHEREAS, Alabama is projected to receive \$3,166,302,118 through the year 2025 under the terms of the Master Settlement Agreement; and

WHEREAS, because many state lawsuits sought to recover Medicaid funds spent to treat illnesses caused by tobacco use, the Health Care Financing Administration (HCFA) contends that it is authorized and obligated, under the Social Security Act, to collect its share of any tobacco settlement funds attributable to Medicaid; and

WHEREAS, the Master Tobacco Settlement Agreement does not address the Medicaid recoupment issue, and thus the Social Security Act must be amended to resolve the recoupment issue in favor of the respective states; and

WHEREAS, in addition to the recoupment issue, there is also considerable interest, at both the state and national levels, in earmarking state tobacco settlement fund expenditures; and

WHEREAS, as we move toward final approval of the Master Tobacco Settlement Agreement, it is imperative that state sovereignty be preserved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds.

BE IT FURTHER RESOLVED, That it is the sense of this Legislature that the respective state legislatures should have complete autonomy over the appropriation and expenditure of state tobacco settlement funds.

BE IT FURTHER RESOLVED, That this Legislature most fervently opposes any efforts by the federal government to earmark or impose any other restrictions on the respective states' use of state tobacco settlement funds.

BE IT FURTHER RESOLVED, That enrolled copies of this resolution be transmitted to President Bill Clinton, the President and the Secretary of the U. S. Senate, the Speaker and the Clerk of the U. S. House of Representatives, and to each member of Alabama's Congressional Delegation.

Approved June 18, 1999

Time: 9:45 A.M.

Act No. 99-523

H.J.R. 244 – Reps. Holmes and Page

HOUSE JOINT RESOLUTION

EXPRESSING SUPPORT FOR PRESIDENT CLINTON FOR THE MILITARY ACTIONS OF THE UNITED STATES CONCERNING THE YUGOSLAVIAN CONFLICT.

WHEREAS, beginning in the 1980's, Yugoslavia gradually fell apart; it had been comprised of six republics: Serbia, Slovenia, Croatia, Boenia-Herzegovina, Macedonia, and Montenegro; and only two republics remain, Montenegro and Serbia, which is now fighting to hold onto the province of Kosovo; and

WHEREAS, western governments, including the United States, fear that the current war could spread from Kosovo into Albania, which is already flooded with war refugees; and

WHEREAS, President Clinton has committed United States Armed Forces to Operation Allied Force, which is a group of 13 of the 19 member nations of NATO which seeks to contain the violence and suffering in the region; and

WHEREAS, the Kosovar Albanians remaining in Kosovo, who have been the target of intensified Serbian attacks of President

Slobodan Milosevic's Army on their towns and villages, have endured unspeakable pain, indignity, and suffering; and

WHEREAS, Operation Allied Force is employing a parallel warfare strategy calling for a specialized air attack campaign to minimize harm to Kosovo's citizens while attempting to neutralize and degrade Milosevic's Army; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our support for President Clinton for the humanitarian support of the United States to the Operation Allied Force operation.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to President Clinton as an expression of our strong support of his actions to aid the Kosovo Republic.

Approved June 18, 1999

Time: 9:46 A.M.

Act No. 99-524

H. 46 – Rep. Starkey

AN ACT

To make an appropriation of \$50,000 from the Education Trust Fund to the Children's Museum of the Shoals in Muscle Shoals, Alabama for the support and maintenance of a hands-on science museum program for children for the fiscal year ending September 30, 2000; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Education Trust Fund the sum of \$50,000 to the Children's Museum of the Shoals in Muscle Shoals, Alabama for the support and maintenance of a hands-on science museum program for children, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation for the Children's Museum of the Shoals is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned ~~expenditures and accomplishments~~. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 11:02 A.M.

Act No. 99-525

H. 170 – Rep. Hawk

AN ACT

To make an appropriation of \$650,000 from the Education Trust Fund to the **Children's Hands-on Museum in Tuscaloosa, Alabama for the support, maintenance, and capital outlay of a hands-on science museum program for children**, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$650,000 from the Education Trust Fund to the Children's Hands-on Museum in Tuscaloosa, Alabama for the fiscal year ending September 30, 2000.

Section 2. The above appropriation from the Education Trust Fund of \$650,000 to the Children's Hands-on Museum in Tuscaloosa, Alabama shall be allotted as follows:

(1) Operations and maintenance	\$150,000
(2) Capital outlay	<u>\$500,000</u>
Total.....	\$650,000

Section 3. The above appropriation for the Children's Hands-on Museum is made for the support of public education in Alabama and for the support, maintenance and capital outlay of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 11:03 A.M.

Act No. 99-526

H. 51 – Rep. Payne

AN ACT

Relating to a license tax on persons engaged in the business of purchasing and receiving or collecting waste grease and animal by-products for rendering or recycling, so as to redesignate this section as Section 11-40-23.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Section 40-12-180 of the Code of Alabama 1975, relating to a license tax on persons engaged in the business of purchasing and receiving or collecting waste grease and animal by-products for rendering or recycling is redesignated as Section 11-40-23.

(b) The Code Commissioner shall take necessary action to implement this redesignation.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:04 A.M.

Act No. 99-527

H. 419 – Reps. Greene, Dolbare
and Turner

AN ACT

To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The following terms shall have the following meanings, respectively:

(1) **MOWA BAND OF CHOCTAW INDIANS.** The tribe of Indians organized as a nonprofit corporation and recognized as a tribal government by the State of Alabama.

(2) **POLICE OFFICER.** Any Peace Officers' Standards and Training Commission certified police officer appointed by the Mowa Band of Choctaw Indians Tribal Council pursuant to Section 3 of this act.

(3) **RESERVATION.** The Mowa Choctaw Indian Reservation, including any and all tribal properties or property owned in trust for the tribe by the United States Government.

Section 2. It is the intent of the Legislature to provide for the employment of police officers by the reservation in order to protect reservation boundaries from intruders and trespassers, to prevent damage to the properties and grounds of the reservation, and to provide for the safety of residents and employees of the reservation. The police officers shall be vested with powers similar to the powers vested in university police.

Section 3. The Mowa Band of Choctaw Indians Tribal Council may appoint and employ one or more suitable persons to act as police officers to protect the reservation from intruders and trespassers, to prevent damage to the properties and grounds of the reservation, and to provide for the safety of residents and employees of the reservation. No state or local funds allocated for law enforcement purposes shall be used to provide financial support for the law enforcement officers hired by the Mowa Band of Choctaw Indians. The authority of any person appointed as a police officer shall immediately cease when the person ceases to be an agent, servant, or employee of the reservation.

Section 4. Any police officer appointed pursuant to Section 3 shall be charged with all the powers of state or municipal police officers including, but not limited to, the right to bear firearms. The police officers may do any of the following:

(1) Eject trespassers from the buildings and grounds of the reservation.

(2) Without a warrant, arrest a person who is engaging in disorderly conduct, trespassing upon the property of the reservation, or committing any public offense in the presence of the police officers on the reservation property, and carry the person before the proper court and, upon proper affidavit, charge the person with committing the offense and the person so arrested may be tried and convicted as in cases of persons brought before the court on the warrant of the court.

(3) Arrest any person pursuant to a warrant who is on the premises of the reservation and is charged with any public offense and take the person before the proper office.

Section 5. The powers of police officers appointed pursuant to this act may be exercised only upon the premises of the reservation, and a police officer shall not otherwise act as a police officer while off the premises of the reservation, except under either of the following conditions:

(1) When in appropriate pursuit off the reservation of any offender or suspected offender who is charged with the commission of a crime while on the premises of the reservation.

(2) To make lawful arrests for a felony committed, or for which there is probable cause to believe has been committed, in the presence of the police officer or within the boundaries of the property owned or operated by the reservation.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-528

H. 695 – Rep. Jackson

AN ACT

Relating to Monroe County; to authorize the Monroe County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service; no citizen shall be denied any service because of that person's inability to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. The Monroe County Board of Health shall designate the services rendered by the county health department for which fees may be charged and shall set the fee to be charged for each service. Any fees to be charged under the authority of this Act by the County Health Department shall be subject to approval by the Monroe County Commission prior to implementation. The Health Department is hereby authorized to charge and collect such fees. All fees collected shall be in addition to any and all federal, state, and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the State Examiners of Public Accounts.

Section 2. No person shall be denied any service because of that person's inability to pay. The County Board of Health may establish a sliding fee scale based on one's ability to pay.

Section 3. This Act shall not apply to nor affect any fees otherwise authorized, set or collected under state or federal law or regulations.

Section 4. All fees collected pursuant to this act are hereby appropriated to the respective health department which collected such fees.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-529

H. 731 – Reps. Houston, Robinson (O),
Rogers (J), Newton (D),
Dunn, Major, Hilliard and
Parker (W)

AN ACT

To amend Section 12-19-92, Code of Alabama 1975, relating to constables' fees generally; exceptions as to Jefferson County; to provide for the increasing of the fee and gasoline allowance paid to constables in Jefferson County for actual service of each process.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-92, Code of Alabama 1975, is amended to read as follows:

“§12-19-92.

“(a) Constables shall be entitled to the following fees for the following services in civil cases in which the amount in controversy is less than \$20.00:

- | | |
|---|--------|
| (1) Serving summons..... | \$.50 |
| (2) Summoning each witness | .25 |
| (3) Levying an attachment for not more than \$50.00..... | .75 |
| (4) Levying an attachment for more than \$50.00 | 1.00 |
| (5) Levying an execution for not more than \$50.00 | .50 |
| (6) Levying an execution for more than \$50.00 | 1.00 |
| (7) Making money on execution, two percent
on the amount collected, but in no case less than | .50 |
| (8) Serving notice on each party therein named..... | .25 |

- (9) Serving notice in the nature of scire facias..... .50
- (10) Taking any bond required by law..... .50
- (11) Keeping property levied on, such sum as a judge
may order to be paid out of the money in the
hands of the constable arising from the sale50
- (12) In cases of forcible entry and detainer, and
unlawful detainer, for serving summons and writ.....1.00
- (13) For executing writ of restitution in such cases.....2.00
- (14) For other services in such cases, the same fees
as in other cases

(b) In civil cases, the fees of constables shall be the same as the sheriff's fees on December 18, 1973, when performing the same or like services, where the amount in controversy is \$20.00 or more, except in Jefferson County where constables shall receive a fee of eight dollars (\$8.00) for actual service of each process, and a gasoline allowance of seven dollars (\$7.00) for the actual service of each process."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:06 A.M.

Act No. 99-530

H. 773 – Reps. Venable and Wren

AN ACT

Relating to Elmore County; to provide for the assessment and distribution of additional court costs and charges in all circuit and district court cases, excluding small claims cases, for law enforcement purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the assessment and distribution of the additional court costs and charges for Elmore County circuit and district courts, there shall be assessed and collected in each case by the clerks of the circuit and district courts, except for the small claims cases, an additional fee of five dollars (\$5). When collected by the clerks of the circuit and district courts, the additional

five dollar (\$5) fee shall be deposited in the county treasury and may be used only for law enforcement purposes at the discretion of the sheriff with approval of the county commission."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:07 A.M.

Act No. 99-531

H. 774 – Reps. Venable and Wren

AN ACT

Relating to Elmore County; providing for additional recording fees on documents filed in the office of the judge of probate and for the disposition of the recording fees; and to provide for the methods of indexing and archiving court records.

Be It Enacted by the Legislature of Alabama:

Section 1. In Elmore County, a special recording fee of three dollars (\$3) shall be collected by the office of the judge of probate on each real or personal property, uniform commercial code, judicial, or other instrument recorded or filed for record. The special recording fees shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the recording or filing for record of any real or personal property, uniform commercial code, judicial, or other instrument. All fees collected shall be deposited by the judge of probate in any depository in the county as designated by the county governing body.

Section 2. The fees collected under this act shall be expended at the discretion of the judge of probate with the approval of the county commission for the preservation and restoration of court records and documents and to develop, purchase, install, upgrade, and maintain a computerized system for recording, indexing, imaging, and storing of real and personal property records, uniform commercial code filings, judicial proceedings, financial accounts, and any other records required to be maintained by the office of the judge of probate and the probate court.

Section 3. The judge of probate may retain all or parts of court records for archival purposes utilizing optical disks, or other acceptable computerized methods for records storage, or any combination

thereof. The use of microfilm to retain and archive court records in the county may be discontinued and replaced with digitized or scanned images of records committed to optic disks, or the like. Records archived and retained on optic disks, or the like, shall constitute official records of the office of the judge of probate and of the probate court and may be compiled and certified and sold to the public in accordance with applicable statutes. All funds collected for copies and certifications shall be paid to the county general fund.

Section 4. The judge of probate from time to time shall establish a policy on the sale of or access to computerized index information and digitized images maintained in the office of the judge of probate and in the probate court. All funds received from the sale of the information and images shall be paid to the county general fund for purposes of establishing and maintaining the archival and indexing equipment.

Section 5. This act is cumulative. Nothing contained in this act shall alter or change an existing law relating to charges and fees to be collected by the Judge of Probate of Elmore County.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 18, 1999

Time: 11:08 A.M.

Act No. 99-532

H. 728 – Reps. Hooper, Wren,
McClammy and
McKee

AN ACT

Relating to Montgomery County; amending Section 7 of Act 833 of the 1969 Regular Session (Acts 1969, p. 1522); to allow the county to pay the contributions of a member of the pension system in lieu of direct contributions by the member to the pension fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act 833 of the 1969 Regular Session is amended to read as follows:

“Section 7. Method of Financing.

“All of the assets of the Retirement System shall be credited, according to the purpose for which they are held, among three

accounts, namely, the Members' Account, the Accumulation Account, and the Expense Account.

“(1) Members' Account.

“(a) The Members' Account shall be the account in which shall be held the contributions made under the Pension Plan or the Pension System by members who are covered thereunder prior to the operative date and in which shall be accumulated the contributions deducted pursuant to this act from the compensation of members. The rate of contribution to the Retirement System by the members shall be three and one-half per centum (3 1/2%) of the earnable compensation of members in Class I and five per centum (5%) of the earnable compensation of members in Class II. No deduction shall be made from the compensation of a Class I member who has completed thirty-three and one-third years of creditable service. No deduction shall be made from the compensation of a Class II member who has completed thirty years of creditable service.

“(b) The board shall cause to be deducted from the compensation of each member on each and every payroll for each and every payroll period, such proportion of the member's earnable compensation. In determining the amount earnable by a member in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per centum of the compensation upon the basis of which such deduction is made.

“(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his or her full salary or compensation, and payment of salary or compensation less the deduction and less other authorized deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by the payment.

“(d) The proper authority or officer responsible for making up the payroll shall certify to the board the amounts deducted on each and every payroll and each of such amounts shall be paid into the Members' Account and credited to the individual account of the member from whose compensation the deduction was made. As of

the operative date, there shall be credited to the individual account of each member the amount of his or her contributions, if any, transferred from the Pension Plan or the Pension System.

“(e) The accumulated contributions of a member, paid upon his death or withdrawn by him as provided in this act, shall be paid from the account. Upon the retirement of a member, or if a survivor allowance becomes payable on his account, his accumulated contributions shall be transferred from the account to the accumulation account.

“(f) (1) It is the intent of the Legislature that this subsection is enacted to comply with Section 414 (h)(2) of the Internal Revenue Code of 1986, as amended.

“(2) Notwithstanding any provision of Section 7, the county shall agree to assume and pay members contributions in lieu of direct contributions by the members, with the contributions being paid into the pension plan on behalf of members. Members contributions picked up by the county shall be payable from the same source of funds used to pay compensation to a member. A deduction shall be made from the compensation of each member equal to the amount of the contribution picked up by the county. This deduction shall not reduce the compensation of the members for purposes of section 6. No member subject to the agreement shall have the option of choosing to receive the contributed amounts directly instead of having them paid by the county directly to the pension plan. All contributions by the county shall be deemed and considered as part of the accumulated contributions of the member, other than for income tax purposes, and subject to all provisions of this pension plan pertaining to accumulated contributions of members.

“(2) Accumulation Account.

“(a) The Accumulation Account shall be the account in which shall be accumulated all contributions made by the County to provide benefits under the Retirement System and from which shall be paid all retirement allowances and other benefits under the Retirement System, other than those payable from the Members’ Account. The amounts of assets transferred from the Pension Plan and the Pension System to the Retirement System pursuant to Section 9, Subsection (2), of this act which are in excess of the amounts credited to the account as accumulated contributions shall be credited to the Accumulation Account.

“Regular Contributions by County.

“(b) On account of each member there shall be paid annually into the Accumulation Account a certain percentage of the compensation

of each member to be known as the "normal contribution", and an additional percentage of his compensation to be known as the "accrued liability contribution". The rates per centum of the contributions shall be fixed on the basis of the liabilities of the System as shown by actuarial valuation. Until the first valuation, the normal contribution shall be 4.41 per centum of the compensation of members in Class I and 7.97 per centum of the compensation of members in Class II, and the accrued liability contribution shall be 4.54 per centum of the compensation of members in Class I and 6.99 per centum of the compensation of members in Class II.

"(c) The normal rates of contribution shall be determined after each actuarial valuation. During the period over which the accrued liability contributions are payable, the normal rates of contributions shall be determined, on the basis of regular interest and the tables last adopted by the board, as the uniform and constant percentages of the compensation of the average new entrant member in Class I or in Class II, as the case may be, which, if contributed on the basis of the prospective compensation of such new entrant throughout his or her entire period of active service, would be sufficient to provide for the payment of any retirement allowance or other benefit payable on his or her account not provided by his or her own contributions. After the accrued liability contributions have ceased to be payable, the normal contribution rate for each class of members shall be the rate per centum of the compensation of such members obtained by deducting from the total liabilities of the Accumulation Account on account of members and beneficiaries in each class the amount of the funds in hand standing to the credit of the Accumulation Account applicable to the members and beneficiaries, and dividing the remainder by one per centum of the present value of the prospective compensation of the members, as computed at regular interest on the basis of the tables last adopted by the board.

"(d) Immediately succeeding the first valuation, the accrued liability on account of each class of members shall be computed by the actuary as the amount of the total liabilities of the Accumulation Account on account of members and beneficiaries in such class in excess of the funds in hand held on their account in the Accumulation Account which is not dischargeable by the afore-said normal contributions to be made on account of the members during the remainder of their active service. The accrued liability contribution rate for each class of members shall be determined by calculating the amount which, if paid each year during the forty year period immediately following the operative date, would liquidate the accrued liability on account of members and beneficiaries in each class, and dividing such amount by one per centum of the total earnable compensation of members in each class.

"(e) The total amount payable by the County in each year to the Accumulation Account shall be not less than the sum of the rates per centum, known as the normal contribution rate and the accrued liability contribution rate, of the total compensation of all members in Class I and Class II, respectively, during the preceding year; provided, however, that the amount of each annual accrued liability contribution shall be not less than the preceding annual accrued liability contribution, and that the aggregate payment shall be sufficient, when combined with the amount in the account, to provide the part of the retirement allowances and other benefits provided by contributions made by the county payable to members and beneficiaries during the year then current. The County contributions to the Retirement System shall be paid from the county departmental fund from which each particular employee derives his or her payment of wages or salary

(f) The accrued liability contributions shall be discontinued as soon as the amount of the funds standing to the credit of the Accumulation Account shall equal the present value, as actuarially computed and approved by the board, of the total liabilities of the account on account of all members and beneficiaries less of the present value of the normal contributions to be received at the normal rates then in force on account of persons who are at that time members.

"Interest.

"(g) All interest and dividends earned on the funds of the Retirement System shall be credited to the Accumulation Account.

"(h) Regular interest shall mean interest at the per centum rate or rates compounded annually as shall be determined by the board from time to time, limited to a minimum of two per centum (2%) and a maximum of five per centum (5%), with the latter rate applicable from the operative date until changed by the board.

"Benefits Payable from Accumulation Account.

"(i) All retirement allowances to beneficiaries, and benefits in lieu thereof, shall be paid from the Accumulation Account.

"(3) Expense Account.

"The Expense Account shall be the account to which shall be credited all money provided by the County to pay the administration expenses of the Retirement System, and from which shall be paid all the expenses necessary in connection with the administration and operation of the Retirement System.

"(4) Appropriations.

"(a) On or before the first day of October of each year the Board shall determine the amount of the appropriation necessary to pay the normal and accrued liability contributions to the

Accumulation Account for the ensuing year, and the amount of appropriation required to cover the expenses necessary in connection with the administration and operation of the Retirement System, and such amounts shall be included in the budget, in accordance with legal budget procedure.

“(b) To cover the requirements of the System for the period prior to the first day of October, nineteen hundred and sixty-nine, such amounts as shall be necessary for such purpose shall be paid into the Accumulation Account and the Expense Account by special appropriations or transfers to the Retirement System by the County.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-533

H. 729 – Reps. Hooper, Wren,
McClammy and
McKee

AN ACT

To amend Sections 1 and 8 of Act 833 enacted at the 1969 Regular Session of the Legislature of Alabama, as last amended by Act 89-981 of the 1989 First Special Session, so as to specify permissible investments for the funds of the retirement system maintained for employees of Montgomery County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 833 enacted at the 1969 Regular Session of the Legislature of Alabama, as last amended by Act 89-981 of the 1989 First Special Session of the Legislature of Alabama, is further amended to read as follows:

“Section 1. Definitions

“The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

“(1) “Retirement System” shall mean the Retirement System for Employees of Montgomery County, as established pursuant to Act 833, H. 1100, approved September 12, 1969, as amended.

“(2) “County” shall mean the County of Montgomery, Alabama.

“(3) “Commission” shall mean the Montgomery County Commission, except that with respect to any period prior to October 1, 1970 it shall mean the Board of Revenue of the County.

“(4) “Medical Board” shall mean the board of physicians provided for in Section 5, subdivision (5), of this Act.

“(5) “Eligible Certificate” shall mean an interest-bearing certificate of deposit that is issued by any bank, savings and loan association, or trust company organized under the laws of the United States of America or any state thereof that is (to the extent not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation) collaterally secured by a pledge of Federal Securities (a) having at any date of calculation a market value (taking account of any accrued interest thereon) not less than the principal of and the accrued interest on the certificates of deposit secured thereby, (b) deposited and pledged with any Federal Reserve Bank or with any bank or trust company organized under the laws of the United States of America or any state thereof, and having combined capital, surplus and undivided profits of not less than \$15,000,000 and (c) for which a receipt signed by the bank or trust company having custody of such collateral securities and containing a sufficient description thereof has been furnished to the commission.

“(6) “Eligible Investments” shall mean (a) Eligible Certificates, (b) Federal Securities, (c) bonds, notes, debentures, other debt securities or participation certificates issued by the Bank for Cooperatives, any Federal Intermediate Credit Bank, any Federal Home Loan Bank, Federal Home Loan Mortgage Association, Student Loan Marketing Association, the Export-Import Bank of the United States, any Federal Land Bank, the Federal Financing Bank, the Federal National Mortgage Association or the Government National Mortgage Association, (d) repurchase agreements with a bank or trust company that is a member of the Federal Reserve System having a capital and surplus or net capital of not less than \$100,000,000 and whose senior debt obligations are rated A or better by Standard & Poor’s Corporation, collaterally secured by a pledge of Federal Securities made in the manner and in the amount as provided in paragraph (5) hereinabove for the securing of Eligible Certificates, (e) investments in money market funds which are restricted to investments in Federal Securities and which are rated AAA by Standard & Poor’s Corporation, (f) bonds, notes, warrants and other evidences of indebtedness issued by the State of Alabama or any county or incorporated city or town thereof, the full faith and credit of which such issuing entity has been pledged for payment thereof or which obligations are rated AAA by Standard & Poor’s and are secured by Federal Securities held in trust for payment of the principal and interest on said obligations, (g) commercial paper that is rated A-1 or better by Standard & Poor’s Corporation, or P-1 or better by Moody’s

Investors Service, collaterally secured by a pledge of Federal Securities made in the manner and in the amount as provided in paragraph (5) hereinabove for the securing of Eligible Certificates, (h) equity securities, and (i) high-grade corporate bonds.

“(7) “Employee” shall mean any regular and permanent officer or employee of the county, including any regular employee whose compensation is paid on a per diem basis, but excluding any elected official. In all cases of doubt, the commission shall decide who is an employee within the meaning of this act.

“(8) “Federal Securities” shall mean (a) any securities that are direct obligations of the United States of America, and (b) any securities with respect to which payment of the principal thereof and the interest thereon is unconditionally guaranteed by the United States of America.

“(9) “Member” shall mean any person included in the membership of the Retirement System as provided in Section 3 of this act.

“(10) “Prior Member” shall mean a member who last became a member on or before the effective date of this act.

“(11) “New Member” shall mean a member who is not a prior member.

“(12) “Service” shall mean service in the employment of and paid for by the county, including service in the armed forces of the United States rendered between periods of county service, and service as a temporary acting official of the county rendered during the period the regular elective officials served in the armed forces of the United States. Service while in the employment of the county and paid for partially by the City of Montgomery, Alabama, and the State of Alabama shall also be included if contributions on account of such service are made in accordance with Section 3, subdivision (5) of this act.

“(13) “Creditable Service” shall mean service for which credit is allowable as provided in Section 4, subdivision (4), of this act.

“(14) “Retirement Allowance” shall mean annual payments for life. All retirement allowances shall be payable in installments, the schedule of which being the same as the county employees are paid, said installments continuing to the last payment prior to death.

“(15) “Beneficiary” shall mean any person in receipt of a retirement allowance or other benefit as provided by the Retirement System.

“(16) “Accumulated Contributions” shall mean the sum of all the amounts deducted from the compensation of a member and all

the amounts deducted from this compensation while covered under the Pension Plan or the Pension System credited to his individual account in the Members' Account, as provide in Section 7, subdivision (1), of this act.

"(17) "Earnable Compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full working time, but shall not include any pay for overtime. In cases where compensation includes maintenance, the commission shall fix the value of that part of compensation not paid in money.

"(18) "Average Monthly Compensation" shall mean the average monthly earnable compensation of a member during the 12 consecutive months of his creditable service affording the highest such average.

"(19) "Normal Retirement Date" shall mean the date on which a member first becomes eligible to retire on a service retirement allowance as provided by Section 6, subsection (1)(a), of this act, or in the case of a member who retires or terminates service prior to his becoming so eligible, the date on which he would become eligible to retire on a service retirement allowance if he remained in service to such date.

"(20) "Regular Interest" shall mean interest at the rate established from time to time by the commission as provided in Section 7, subsection (2), paragraph (h) of this act.

"(21) "Pension Plan" shall mean the pension system for county employees established by Act No. 240, H. 627, approved July 29, 1947 (Local Acts of 1947, p. 165, as amended) as said system existed immediately prior to the operative date of the retirement system.

"(22) "Pension System" shall mean the Montgomery County Employees' Retirement System established by Act No. 176, S. 272, approved September 28, 1959, Local Acts of 1959, p. 702, as said system existed immediately prior to the operative date of the retirement system.

"(23) "Operative Date" of the retirement system shall mean December 1, 1969.

"(24) "Equity Securities" means any domestic stock or similar security, certificate of interest or participation in any profit sharing agreement, preorganization certificate or subscription, transferable share, voting trust certificate or certificate of deposit for an equity security, limited partnership interest, interest in a joint venture, or certificate of interest in a business trust, or any security convertible, with or without consideration into such a security, or carrying any warrant or right to subscribe to or purchase such a security, or any such warrant or right.

“(25) “High Grade Corporate Bonds” means corporate bonds rated as AAA or AA by Standard & Poors’.

“(26) The masculine pronoun shall include the feminine pronoun.

Section 2. Section 8 of Act No. 833 enacted at the 1969 Regular Session of the Legislature of Alabama, as last amended by Act 89-981 of the 1989 First Special Session of the Legislature of Alabama, is further amended to read as follows:

“Section 8. Management of Funds.

“(1) The members of the commission shall be the trustees of all of the assets of the retirement system and shall have full power to invest and reinvest such assets, including the power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the assets of the retirement system may have been invested, as well as the proceeds of said investments and any moneys belonging to the retirement system.

“(2) The commission shall designate either the administrator of the commission or a bank or trust company, or the said administrator and a bank or trust company together, to be the custodian, or joint custodians, as the case may be, of the assets of the retirement system. All payments from the funds of the retirement system shall be made only upon regular vouchers signed by the administrator of the commission. No voucher shall be drawn unless it shall have been previously authorized by resolution of the commission.

“(3) The commission may appoint an investment committee which shall consist of three members of the commission. The investment committee shall have the authority and it shall be its duty to carry out the investment policies fixed by the commission, and pursuant thereto, it shall examine all offers of investments made to the retirement system, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held, and shall from time to time make, or cause to be made, such purchases and sales of investments as it shall deem to be in the best interests of the retirement system. The investment committee may act through the affirmative vote of any two of its members.

“(4) Subject to the provisions of subsection (6) of this section, the assets of the retirement system not currently needed for payments of benefits payable therefrom shall, to the extent practicable, be kept continuously invested in eligible investments; provided, however, that after September 30, 1999, in no event may the investment committee direct a reallocation of eligible investments that would cause more than 10 percent of the total market

value of the eligible investments to be invested in equity securities and high grade corporate bonds. With respect to the fiscal year commencing October 1, 2000, the percentage of the total market value of eligible investments that may be invested in equity securities and high grade corporate bonds shall equal 15 percent, and such percentage shall increase in five percent increments commencing each subsequent fiscal year, to a maximum of 35 percent. On the last day of any fiscal year, if the percentage of the total market value of eligible investments invested in equity securities and high grade corporate bonds exceeds the applicable percentage set forth above for the following fiscal year, as soon as administratively practicable thereafter, the investment committee shall direct a reallocation of eligible investments so that the applicable percentage for the following fiscal year is no longer exceeded.

“(5) The commission may appoint and employ a bank or trust department thereof or other investment advisor as consultant to the commission or to the investment committee, in the purchase, sale and review of investments of the retirement system, to such extent as the commission may designate.

“(6) For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept on deposit available cash, not exceeding ten per centum of the total assets of the retirement system.

“(7) Except as otherwise herein provided, no member or employee of the commission shall have any direct or indirect interest in the gains or profits of any investment made by the commission. No member or employee of the commission shall, directly or indirectly, for himself or as an agent, in any manner use said gains or profits, except to make such current and necessary payments as are authorized by the commission.”

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-534

H. 775 – Rep. Venable

AN ACT

Relating to Elmore County; to amend Section 8 of Act 92-508, of the 1992 Regular Session (Acts 1992, p. 990), providing for the levy and collection of additional sales and use tax for purposes of the payment of principal and interest on bonds and warrants

and costs of acquiring land, planning, constructing, and equipping a new county jail and judicial complex, to provide further only for the excess of the proceeds collected.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act 92-508, of the 1992 Regular Session (Acts 1992, p. 990), is amended to read as follows:

“Section 8. (a) The department shall charge Elmore County for collecting the tax levied under this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Elmore County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Elmore County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Elmore County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Elmore County in an amount equal to the certified amount which shall be paid into the county general fund to be used exclusively for payment of the cost of the purchase of land, planning, construction, and equipping of a new county jail and judicial complex, or for the payment of the principal of and interest on any bonds, warrants, or other obligations issued by or on behalf of the county to finance the costs of a new county jail and judicial complex, as well as the expenses of issuance of any bonds, warrants, or other obligations. When a single bond issue necessary for the purchase of land, planning, constructing, and equipping of a new county jail and judicial complex shall be retired, the additional tax levied pursuant to this act shall no longer be collected. No provision shall be made, except by a subsequent vote of the people, for this tax to be continued after the initial bond issue is authorized.

“(b) Any excess of proceeds collected shall be placed in an interest-bearing account and the county commission shall annually take bids on the account, accepting the highest bid from any in-state bank. The interest from the fund may only be used for repairs and maintenance of the jail and judicial complex built under the provisions of Act 92-508 of the 1992 Regular Session.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:09 A.M.

Act No. 99-535

H. 790 – Rep. Ford (J)

AN ACT

Relating to Bullock County; providing for an additional expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coroner of Bullock County shall be entitled to receive an additional expense allowance in the amount of one thousand dollars (\$1,000) per month to be paid out of the county gasoline tax fund or the county general fund. This expense allowance shall be in addition to any and all other compensation, salary, and expense allowances provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-536

H. 798 – Rep. Lindsey

AN ACT

Relating to Cleburne County; providing an additional court cost in civil and criminal cases in the county with the proceeds to be used for planning, designing, constructing, furnishing, equipping, and financing a county jail and for operations and maintenance costs associated with the Cleburne County Jail and the Cleburne County Sheriff's Department; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any court costs and fees now or hereafter authorized in Cleburne County, the Cleburne County Commission may impose by resolution of the commission an additional fee in an amount not to exceed thirty dollars (\$30) to be assessed and taxed as cost on each civil case and on each criminal case, including traffic cases, but excluding small claims cases, filed

in the circuit court, district court, or any municipal court in Cleburne County. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

Section 2. The additional fees when collected by the clerks or their collection officers of the courts shall be paid into the General Fund of Cleburne County to be held in a sub-account to be used by the Cleburne County Commission for the planning, designing, constructing, furnishing, equipping, and financing of a county jail and operating and maintenance costs associated with this jail and the county sheriff's department.

Section 3. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at the next general, primary, or constitutional election held after the effective date of this act. The election shall be held and conducted as are elections on constitutional amendments. Notice of the election shall be given by the judge of probate and shall be published once a week for four successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the county commission to impose additional court costs of up to thirty dollars (\$30) per case filed? Yes___ No___.”

If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:11 A.M.

Act No. 99-537

H. 800 – Rep. Jackson

AN ACT

Relating to Marengo County; providing for an additional expense allowance and salary for the Marengo County Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of Marengo County shall be entitled to an additional expense allowance in the amount of five thousand dollars (\$5,000) per annum for the first year following the effective date of this act, an additional expense allowance of five thousand dollars (\$5,000) per annum for the second year following the effective date of this act, and an additional expense allowance of five thousand dollars (\$5,000) for the third year following the effective date of this act, for a total of fifteen thousand dollars (\$15,000) which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent Sheriff of Marengo County, the annual salary for the Sheriff shall be increased by fifteen thousand dollars (\$15,000) per annum, payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-538

H. 805 -- Rep. Ford (J)

AN ACT

Relating to Macon County; providing for an additional expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coroner of Macon County shall be entitled to receive an additional expense allowance in the amount of one thousand dollars (\$1,000) per month to be paid out of the county gasoline tax fund or the county general fund. This expense allowance shall be in addition to any and all other compensation, salary, and expense allowances provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:12 A.M.

Act No. 99-539

H. 813 – Reps. McDaniel and Hawk

AN ACT

Relating to Marshall County; to provide an expense allowance for the members of the Marshall County Board of Education; and to limit the allowance pursuant to any additional compensation provided the members of the board pursuant to an act of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Marshall County Board of Education shall receive an expense allowance in the amount of three hundred dollars (\$300) per month.

Section 2. If the monthly compensation of the members of the Marshall County Board of Education is increased pursuant to authority granted in any subsequent act of the Alabama Legislature, the amount of the expense allowance provided to the members of the board by Section 1 of this act shall be reduced by an equal amount.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:13 A.M.

Act No. 99-540

H. 747 – Reps. McDaniel and Hawk

AN ACT

Relating to Marshall County; to authorize the tax collector to issue mobile home identification decals by mail; and to provide for the net proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The tax collector in Marshall County may, with the approval of the county governing body, issue mobile home identification decals by mail, using the United States Postal Service, or its successor, upon the written application of a resident/owner of a mobile home signed by the resident/owner requesting the tax collector to issue the same by mail.

(b) The fee for the issuance by mail for the mobile home identification decals shall be the same fee charged in Marshall County for the issuance of motor vehicle tags by mail.

Section 2. The tax collector issuing the mobile home identification decals under this act shall collect, prior to issuing the same, all taxes, fees, and other charges as may be required by law to be collected

by the tax collector, and other charges on mobile home license tags and mobile home identification decals and shall remit the same to the official charged by law with the duty of collecting the taxes, fees, and other charges for distribution in accordance with law. The tax collector shall collect a handling and mailing fee in the same amount as the amount charged for issuing license tags for motor vehicles. The tax collector shall pay this handling and mailing fee into the county treasury for the fund for operating the tax collector's office.

Section 3. The tax collector issuing mobile home identification decals under this act shall be authorized to sign the assessment sheet or other tax form as may be necessary on behalf of the taxpayer resident/owner and the taxpayer resident/owner shall be bound thereby as if he or she had signed the same in person.

Section 4. Any mobile home owner or resident making written request for mail services under this act shall be deemed to have appointed the United States Postal Service, or its successor, as his or her agent for purposes of delivery of the mobile home identification decal, and the mobile home identification decal shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a United States Post Office, or its successor, by the tax collector issuing the same.

Section 5. The tax collector electing to issue mobile home identification decals under this act may prescribe necessary rules and regulations for application of mobile home identification decals as he or she may deem reasonably necessary and may also issue notices to prior year mobile home licensees by mail with prepared application forms stating the amount of taxes, fees, and other charges due.

Section 6. The provisions of this act are permissive and shall not be construed to require the tax collector to issue mobile home identification decals by mail, nor shall it be construed to require the county governing body to approve the issuance of mobile home identification decals for mobile homes by mail.

Section 7. Any delay in issuing mobile home identification decals by mail under this act shall be deemed to be the delay of the applicant.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:14 A.M.

Act No. 99-541

H. 730 – Reps. Hooper, Wren, McClammy
and McKee

AN ACT

Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act 356 of the Legislature of Alabama of 1973, as amended by Section 1 of Act 89-469, 1989 Regular Session, as amended by Section 2 of Act 94-569, 1994 Regular Session, to provide a graduated increase in employee contributions to a maximum of 5.75 percent of salary and to amend paragraph (6)(a) of Section 1 of Act 93-392, 1993 Regular Session as amended by Section 3 of Act 94-569, 1994 Regular Session to change the contribution to 5.75 percent.

Be It Enacted by the Legislature of Alabama:

Section 1. Paragraph (1)(a) of Section 7 of Act 356 of the Legislature of Alabama of 1973, as amended by Section 1 of Act 89-469, 1989 Regular Session, as amended by Section 2 of Act 94-569, 1994 Regular Session, is hereby amended in its entirety as follows:

“(1) Members’ Account

“(a) The Members’ Account shall be the account in which shall be held the contributions made to the Retirement System pursuant to this act from the compensation of members. The rate of contribution to the Retirement System shall be four and one-half percentum (4 1/2%) of earnable compensation on or after the effective date of 89-469, and five percentum (5%) of earnable compensation on or after the effective date of Act 94-569, 1994 Regular Session and prior to the effective date of this act, and five and three quarters percentum (5.75%) on and after the effective date of this act. No deduction shall be made from the compensation of a member who has completed forty years of creditable service.”

Section 2. Paragraph (6)(a) of Section 1 of Act 93-392, 1993 Regular Session as amended by Section 3 of Act 94-569, 1994 Regular Session, is amended to change the contribution to five and three quarters percentum (5.75%) for anyone who becomes eligible after the effective date of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law. This act is only operative if the due date of federal income taxes is deferred on an employee’s contributions until the retirement benefits are received by the employee.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-542

H. 765 – Rep. Laird

AN ACT

Relating to Chambers County; providing for the distribution of fees collected for copying documents and papers in the office of the judge of probate; and providing for exceptions.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In Chambers County, fees collected for copying documents and papers in the office of the judge of probate shall be deposited into a special fund of the judge of probate. The funds shall be earmarked for probate copier maintenance, service, and supplies.

(b) This act shall not apply to certifying fees, including, but not limited to, fees for certifying letters of testamentary or administration.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-543

H. 759 – Rep. Ford (J)

AN ACT

Relating to Macon County; providing for the salary of the sheriff; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of the funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Sheriff of Macon County shall be fifty two thousand and five hundred dollars (\$52,500), per year which shall be paid in the same manner and at the same time as other county employees. The salary provided in this act shall be in lieu of any other salary compensation or expense allowance provided for by general or local law.

Section 2. In Macon County, the total fee for issuance of a permit to carry a pistol as provided by Section 13A-11-75, Code of Alabama 1975, shall be twenty-five dollars (\$25) per year. The fee shall be used to pay for the salary increase of the sheriff in Section 1 and the balance shall be distributed to the deputy sheriff as an expense allowance. The twenty-five dollar (\$25) fee shall be in lieu of all other pistol permit fees required by law.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-544

H. 772 – Rep. Venable

AN ACT

Relating to Coosa County; levying a tax on those persons, firms, and corporations severing and transporting sand, clay, silt, loam, dirt, gravel, rock, sand-gravel, clay-gravel, sand-clay, or any combination thereof in the county; authorizing the county commission to impose and collect a certain mining fee on minerals; providing for the collection of the tax by the Department of Revenue; providing for enforcement and distribution of the proceeds of the tax; and to provide for the expiration of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this act, the following words and phrases shall have the following meanings:

(1) **DEPARTMENT.** The state Department of Revenue.

(2) **EARTHEN MATERIALS.** Materials covered in this bill which include sand, clay, silt, loam, dirt, gravel, rock, sand-gravel, clay-gravel, sand-clay, or any combination thereof.

(3) **PERSON.** Any individual, firm, partnership, corporation, association, or any combination thereof.

(4) **PRODUCER.** Any person engaging in the business of severing sand, clay, silt, loam, dirt, gravel, rock, sand-gravel, clay-gravel, sand-clay, or any combination thereof from the soil within Coosa County.

(5) **PURCHASER.** Any person acquiring title, outright or conditionally, to any interest in sand, clay, silt, loam, dirt, gravel, rock, sand-gravel, clay-gravel, sand-clay, or any combination thereof.

(6) **SEVERING.** Mining, stripping, or otherwise taking or removing sand, clay, silt, loam, dirt, gravel, rock, sand-gravel, clay-gravel, sand-clay, or any combination thereof from the soil within Coosa County.

(7) **TON.** A short ton of 2,000 pounds.

(8) **TRANSPORTER.** Any person transporting sand, clay, silt, loam, dirt, gravel, rock, sand-gravel, clay-gravel, sand-clay, or any

combination thereof from the place where it is severed or from any other place to any other place, within or without Coosa County.

Section 2. (a) There is levied, in addition to all other taxes imposed by law, an excise and privilege tax on every person severing earthen materials within Coosa County. The tax shall be paid to the Department of Revenue at the rate of twenty-five cents (\$.25) per ton by every producer who severs the product within Coosa County.

(b) In addition to the tax levied in subsection (a), the county commission may assess a mining fee as it deems necessary on producers who mine minerals other than earthen material from the soil in Coosa County. If the county commission does assess such a fee at a county commission meeting, it shall advertise the time, place, and purpose of such a commission meeting for four consecutive weeks in a newspaper of general circulation in the county prior to the meeting. The county commission may provide for collecting the fee.

Section 3. Every producer shall within 20 days after the end of each calendar month, whether or not the producer shall have severed or sold any earthen materials during that month, file with the Department of Revenue a report which shall set forth, in a form prescribed by the department, the amount of the products in tons, if any, severed or sold, as the case may be, by the producer during the next preceding calendar month, the point of severance thereof, the amount of taxes due, and any other information as the department may reasonably require for the proper enforcement of this act. The producer shall accompany the report with payment of the full amount of the taxes shown to be due. The report shall be signed by the producer himself in the case of an individual producer or by a member, officer, or manager of the producer in other cases.

Section 4. Purchasers and transporters of a product severed in Coosa County shall file a report with the Department of Revenue, on forms prescribed by the department, within 20 days after the end of each calendar month in which the purchaser or transporter purchased or transported earthen material severed in Coosa County. The report shall state the names and addresses of all producers in Coosa County from whom the purchaser or transporter has received the earthen material during the calendar month, the total quantity of earthen material so acquired, and, in the case of a transporter, to whom and where each ton of earthen material was delivered, and any other information as the commissioner may reasonably require for the proper enforcement of this act, including the routes traveled in transporting the gravel and the amounts of any privilege tax on the transportation. The report shall be signed by the purchaser or transporter himself or herself in the case of an individual purchaser or transporter, or by a member, officer, or manager of the purchaser or transporter in all other cases.

Section 5. The taxes imposed by this act shall constitute a debt due Coosa County and may be collected by civil suit, in addition to all other methods provided by law. The taxes, together with interest thereon, shall constitute and be secured by a lien upon the property of any person from whom the taxes are due. All provisions of the revenue law of this state which apply to the enforcement of liens for taxes due the state shall apply fully to the collection of the county taxes levied herein, and the state Department of Revenue for the use and benefit of Coosa County shall collect the taxes and enforce this act and shall have and exercise for the collection and enforcement all rights and remedies that this state or department has for collection of the state stone severance tax. The state Department of Revenue shall have full authority to employ special counsel as it deems necessary to enforce collection of the taxes levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act, and the Department of Revenue shall pay the special counsel's fee, as it deems necessary and proper, from the proceeds of the taxes collected by it for Coosa County.

Section 6. The state Department of Revenue shall charge Coosa County for collecting the county taxes levied herein, an amount or percentage of total collections not to exceed five percent of the total amount of taxes collected hereunder. The charge for collecting the taxes for the county may be deducted each month from the proceeds of the taxes before certifying the amount thereof due Coosa County for that month.

Section 7. The proceeds from taxes levied by this act shall be deposited in a separate account to be used for the maintenance, restoration, and replacement of county bridges and roads and for other general county purposes.

Section 8. This act shall expire and be repealed 20 years from the effective date of this act.

Section 9. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:16 A.M.

Act No. 99-545

H. 780 – Rep. Boothe

AN ACT

Relating to Pike County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Pike County or the authorized agents of the sheriff may operate a jail store for prisoners within the confines of the county jail. The jail store shall be operated to serve the needs of the jail population.

Section 2. (a) The sheriff shall establish and maintain a Law Enforcement Fund in a bank located in Pike County. All proceeds collected under this act shall be deposited by the sheriff into the Law Enforcement Fund.

(b) The sheriff shall keep an account of all jail store sales and transactions of the Law Enforcement Fund for audit by the Department of Examiners of Public Accounts. The jail store account and Law Enforcement Fund shall be audited at the same time other accounts of the sheriff are audited. The Department of Examiners of Public Accounts shall submit a copy of the audit to the sheriff within 30 days of its completion.

Section 3. All profits realized in the operation of the jail store shall be expended at the discretion of the sheriff for law enforcement purposes in Pike County, including office expenses, that are in the interest of the public.

Section 4. The establishment of the Law Enforcement Fund and the use of the proceeds shall not diminish or take the place of any other source of income established for the sheriff or the operation of the office.

Section 5. Any actions relating to the operation of a jail store in the county jail prior to the effective date of this act are ratified and confirmed. Any existing proceeds derived from the operation of a jail store in the county jail prior to the effective date of this act shall be deposited into the Law Enforcement Fund created by this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-546

H. 782 – Reps. Jackson and Dolbare

AN ACT

Relating to Clarke County; to provide for the appointment of the county superintendent of education; to repeal Act 91 of the 1896-97 Session (Acts 1896-97, p. 128), and Act 34 of the 1932 Extraordinary Session (Local Acts 1932, p. 13), relating to the election of the Clarke County Superintendent of Education; and to condition operation on a referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office commencing after the effective date of this act, and thereafter, the Clarke County Superintendent of Education shall be appointed by the Clarke County Board of Education in accordance with Chapter 9, Title 16, Code of Alabama 1975.

Section 2. All laws or parts of laws which conflict with this act are repealed. Specifically, Act 91 of the 1896-97 Session (Acts 1896-97, p. 128), as amended, and Act 34 of the 1932 Extraordinary Session (Local Acts 1932, p. 13), as amended, are repealed.

Section 3. Sections 1 and 2 of this act shall become operative only if approved by a majority of the qualified electors of Clarke County who vote in an election to be held on the day designated by the Judge of Probate of Clarke County. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the county in the year 2000. The question shall be, "Do you favor the adoption of Act 99-____, of the 1999 Regular Session of the Alabama Legislature, which provides for the appointment of the Clarke County Superintendent of Education by the Clarke County Board of Education? Yes () No ()." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 and 2 of this act shall become operative immediately. If a majority of the votes cast in the election are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Clarke County shall certify the results of the election to the Secretary of State.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-547

H. 801 – Reps. Penry and McMillan

AN ACT

To alter or rearrange the boundary lines and corporate limits of the City of Spanish Fort in Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within the corporate limits of said City and also certain other territory. WHEREAS, the Legislature of the State of Alabama

enacted Act No. 98-634 which called for a referendum to be held to determine whether certain territory described in Act No. 98-634 would be annexed into the corporate limits of the City of Spanish Fort, Alabama; and WHEREAS, an annexation election was held on July 28, 1998, and 129 votes were cast in favor of annexation of the said territory into the corporate limits of the City of Spanish Fort and 72 votes were cast against annexation, with the clear majority voting in favor of annexation; and WHEREAS, there has arisen a dispute regarding the annexation of said territory based on some alleged defects in the enactment of Act No. 98-634 resulting in some uncertainty regarding the boundary lines and corporate limits of the City of Spanish Fort; and WHEREAS, based on the intent of this Legislature in passing Act No. 98-634 and the majority vote of the people in favor of annexation, the Legislature now wishes to resolve the aforementioned dispute in the most expedient manner possible.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Spanish Fort in Baldwin County, Alabama, be, and the same are hereby altered, extended, rearranged, and redefined so as to include within the corporate limits of the City of Spanish Fort, to the exclusion of all other municipalities, in addition to the territory presently contained within the corporate limits and boundaries of the City, the following described territory, to-wit:

PARCEL 1

Commencing at the Northeast Corner of Lot 37, Unit 5, Blakeley Forest, per plat thereof recorded at Slide 1411-B, the point of beginning; thence run Southeasterly along the East line of said Lot 37 a distance of 326.01 feet, more or less, to the Southeast Corner of said Lot 37, which point forms the intersection of said line with the North right-of-way line of a 60 foot right-of-way, O'Hara Drive; thence run Southwesterly along the North right-of-way line of said O'Hara Drive a distance of 314.98 feet, more or less to the Southeast Corner of Lot 35, Unit 5, Blakeley Forest, per plat thereof recorded at Slide 1411-B; thence run Northwesterly along the South line of said Lot 35 a distance of 139.14 feet, more or less, to the Southwest Corner of said Lot 35; thence run South across said O'Hara Drive to the North line of Lot 5, Unit 3, Blakeley Forest, per plat thereof recorded at Slide 1259-A; thence run Westerly along the North line of said Lot 5 to the Northwest Corner of said Lot 5; thence run in a Southerly direction along the West line of said Lot 5 a distance of 250 feet, more or less, to the Southwest Corner of said Lot 5; thence run Westerly along the South lot lines of Lot 4, Lot 3, and Lot 2 of Unit 3, Blakeley Forest, per plat thereof recorded at Slide 1259-A, a distance of 380 feet, more or less, to the Southwest corner of said Lot 2; thence run Southwesterly along the South line of Lot 1, Unit 3, Blakeley Forest, per plat thereof recorded at Slide 1259-A, a distance of 91.11 feet, more or less, to the Southwest Corner of said Lot 1; thence run Southwesterly along the South lines of Lot 3, Lot

2, Lot 1, and Lot 8A, Unit 2, Block D, Blakeley Forest, per plat thereof recorded at Slide 1220-B - 1221-A, a distance of 929.75 feet, more or less, to the Southwest Corner of said Lot 8A; thence run Southeasterly along the East right-of-way line of County Highway No. 72 a distance of 1,265.01 feet, more or less, to the Northwest Corner of Tax Parcel No. 05-32-04-20-03-001-1.003; thence run Easterly along the North line of Tax Parcel No. 05-32-04-20-04-001-15 a distance of 431.4 feet, more or less, to the Northeast Corner of Tax Parcel No. 05-32-04-20-04-001-15; thence run South along the East lines of Tax Parcel No. 05-32-04-20-04-001-15 and Tax Parcel No. 05-32-04-20-04-001-16 a distance of 552.5 feet, more or less, to the Southeast Corner of Tax Parcel No. 05-32-04-20-04-001-16; thence run West along the South line of said Tax Parcel No. 05-32-04-20-04-001-16 a distance of 208.5 feet, more or less, to the Southwest Corner of said tax parcel; thence run South along the West line of Tax Parcel No. 05-32-04-20-04-001-17 a distance of 150 feet, more or less, to the Southwest Corner of said tax parcel; thence run East along the South line of said tax parcel a distance of 208.5 feet, more or less, to the Southeast Corner thereof; thence run East along the South line of Tax Parcel No. 05-32-04-20-04-001-20 a distance of 1,130.58 feet, more or less, to the Southeast Corner of said tax parcel; thence run North along the West line of Tax Parcel No. 05-32-04-20-04-001-23 a distance of 120 feet, more or less, to the Northwest Corner of said tax parcel; thence continue North along the West line of Tax Parcel No. 05-32-04-20-04-001-24 a distance of 210 feet, more or less, to the Northwest Corner of said tax parcel; thence run East a distance of 1,298 feet, more or less, to the East line of Section 20, Township 4 South, Range 2 East; thence run North along the East line of Section 20, Township 4 South, Range 2 East, a distance of 4,949 feet, more or less, to the Northeast Corner of said Section 20; thence run West along the North line of said Section 20 to the intersection of said section line with Grant Section 39; thence run Southeasterly along the East line of Grant Section 39, Township 4 South, Range 2 East, to the Southeast Corner of said Grant Section 39; thence run Southwesterly along the South line of said Grant Section 39, Township 4 South, Range 2 East, to its intersection with the North line of Lot 4, Spanish Fort Estates, 11th Addition, Phase A, according to the official map or plat thereof recorded at Map Book 11, page 191; thence run Northeasterly along the North lines of Lot 4, Lot 5, and Lot 6, Spanish Fort Estates, 11th Addition, Phase A, as per plat or map thereof recorded at Map Book 11, page 191, to the Northeast Corner of said Lot 6; thence continue Northeasterly and Easterly along the North lines of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Spanish Fort Estates, 16th Addition,

as per plat thereof recorded at Slide 1327-A, to the Northeast Corner of said Lot 6 of said addition to said subdivision; thence continue East along the North lines of Lot 7 and Lot 8 of said addition to said subdivision a distance of 373.99 feet, more or less, to the West right-of-way line of Alabama Highway 225; thence run North along the West right-of-way line of Alabama Highway No. 225 to the intersection of said line with the South line of Grant Section 39; thence run in an easterly direction a distance of 100 feet, more or less, to the Southwest Corner of Lot 1, Block C, Blakeley Forest, Unit 2, as per plat thereof recorded at Slides 1220-B and 1221-A; thence run in an Easterly direction along the North Margin of Blakeley Forest Boulevard to the Southwest Corner of Lot 1, Block E, Unit 2, Blakeley Forest, as per plat thereof recorded at Slides 1220-B and 1221-A; thence run North along the West line of said Lot 1 to the Northwest Corner of said Lot 1; thence run East along the North lines of Lot 1 and Lot 2, Block E, Unit 2, Blakeley Forest, Slide 1220-B - 1221-A, a distance of 330 feet, more or less, to the Northeast Corner of said Lot 2; thence run South along the East line of said Lot 2, Block E, to its intersection with the North line of the Southwest Quarter of the Northwest Quarter of Section 20, Township 4 South, Range 2 East; thence run East to the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 20, Township 4 South, Range 2 East; thence run South along the East line of the Southeast Quarter of the Northwest Quarter of said Section 20, Township 4 South, Range 2 East, to its intersection with the North line of Lot 10, Unit 3, Blakeley Forest, as per plat thereof recorded at Slide 1259-A (said point also lying on the South margin of Tara Boulevard); thence run Northeast along the North line of said Lot 10 to the Northeast Corner of said Lot 10 of said unit of said subdivision; thence run Southeast along the East line of said Lot 10 of said unit of said subdivision a distance of 225 feet, more or less, to the Southeast Corner of said Lot 10; thence run Northeasterly along the South lines of Lot 34, Lot 33, and Lot 32, Unit 5, Blakeley Forest, as per plat thereof recorded at Slide 1411-B, a distance of 594.57 feet, more or less, to the Southeast Corner of said Lot 32; thence run Easterly along the North line of Lot 37, Unit 5, Blakeley Forest, as per plat thereof recorded at Slide 1411-B, a distance of 43.3 feet, more or less, to the Northeast Corner of said Lot 37, the point of beginning.

-and-

Commencing at the Northwest Corner of Wakefield, Unit 3, per plat thereof recorded at Slides 1414-B and 1423-B, the point of beginning; thence run in a Southwesterly direction along the West boundary of Wakefield, Unit 3, per plats thereof recorded at Slides

1414-B and 1423-B a distance of 313.15 feet to a point; thence continue in a Southerly direction along the West boundary of Wakefield, Unit 3, a distance of 300 feet, more or less, to a point; thence run Easterly and along the boundary of Wakefield, Unit 3, a distance of 495 feet, more or less, to a point; thence run South along the West Boundary of Wakefield, Unit 3, a distance of 735 feet, more or less, to the South line of Section 21, Township 4 South, Range 2 East; thence run East along the South line of said Section 21 a distance of 385 feet, more or less, to the Southwest Corner of Lot 49, Unit 2, Wakefield, per plat thereof recorded at Slide 1330-B; thence run North along the West boundary line of Unit 2, Wakefield, per plat thereof recorded at Slide 1330-B, a distance of 784.41 feet, more or less, to the Northwest Corner of Lot 38 of said unit of said subdivision; thence continue North a distance of 540 feet, more or less, to a point on the North boundary of Wakefield, Unit 3, as per plat thereof recorded at Slides 1414-B and 1423-B (said point lying on the North line of Lot 34, Wakefield, Unit 3, and said point also being a distance of 23.90 feet East of the Northeast Corner of Lot 33 of Wakefield, Unit 3); thence run Westerly along the North boundary of Wakefield, Unit 3, as per plat thereof recorded at Slides 1414-B and 1423-B, a distance of 652.5 feet, more or less, to the Northwest Corner of said Wakefield Subdivision, Unit 3, at the point of beginning.

PARCEL 2

Commencing at the Southeast Corner of Lot 35, Spanish Fort Estates, 8th Addition, as per map or plat thereof recorded at Slide 802-B, the point of beginning; thence run Northeasterly along the East boundary line of Spanish Fort Estates, 8th Addition, as per plat or map thereof recorded at Slide 802-B, to the Southeast Corner of Lot 25 of said addition to said subdivision; thence run Northeasterly along the East line of said Lot 25 a distance of 74.02 feet, to a point; thence continue Northerly along the East line of said Lot 25 a distance of 48 feet, more or less, to the Southeast Corner of Lot 26, Spanish Fort Estates, Tenth Addition, as per map or plat thereof recorded at Map Book 10, page 38; thence run Northeasterly along the meanders of the South and East boundary lines of Spanish Fort Estates, Tenth Addition, to the Southeast Corner of Lot 20, Spanish Fort Estates, Tenth Addition; thence run Southeasterly and Northeasterly along the South lines of Lot 24 and Lot 23, Spanish Fort Estates, 11th Addition, as per plat or map thereof recorded at Map Book 11, page 191, to the Southeast Corner of Lot 22 of said addition to said subdivision; thence run Northeasterly along the East line of said Lot 22 a distance of 161.77 feet, more or less, to the Southwest Corner of Lot 41, Spanish Fort Estates, 16th Addition, as per plat thereof recorded at Slide 1327-A; thence run Northeasterly along the West line of said Lot 41 a distance

of 181.51 feet, more or less, to the Southwest Corner of Lot 42, Spanish Fort Estates, 16th Addition; thence run Northeasterly along the South line of said Lot 42 a distance of 164.27 feet to the Southeast Corner of said Lot 42; thence run Northwesterly along the East line of said Lot 42 a distance of 115 feet, more or less, to the Southeast Corner of Lot 43, Spanish Fort Estates, 16th Addition; thence run Southwesterly along the South line of said Lot 43 a distance of 160.39 feet, more or less, to the Southwest Corner of said Lot 43, Spanish Fort Estates, 16th Addition, as per plat thereof recorded at Slide 1327-A; thence run Northwesterly along the West lines of Lot 43 and Lot 44 of said subdivision a distance of 212.26 feet, more or less, to the Northwest Corner of Lot 44, Spanish Fort Estates, 16th Addition; thence run Northeasterly along the North line of said Lot 44 a distance of 201.35 feet, more or less, to the Northeast Corner of said Lot 44; thence run in a Northeasterly direction to the Northwest Corner of Lot 36, Spanish Fort Estates, 16th Addition; thence run in a Southerly direction along the West line of said Lot 36 a distance of 110.04 feet, more or less, to the Southwest Corner of said Lot 36; thence run Easterly along the South line of said Lot 36 a distance of 160.02 feet, more or less, to the Northeast Corner of Lot 37, Spanish Fort Estates, 16th Addition; thence run Southeasterly along the East line of said Lot 37 a distance of 110 feet, more or less, to the Southeast Corner of said Lot 37; thence run Southeasterly along the West line of Lot 30, Spanish Fort Estates, 16th Addition, a distance of 40 feet, more or less, to the Southwest Corner of said Lot 30; thence run Northeasterly along the South line of said Lot 30 a distance of 195.51 feet, more or less, to the Southeast Corner of said Lot 30; thence run East to the East line of Section 19, Township 4 South, Range 2 East; thence run Easterly to the Southwest Corner of Lot 1, Spanish Woodlands Subdivision, per plat thereof recorded at Slide 1195-A; thence run Southeasterly along the South line of said Lot 1 a distance of 85 feet, more or less, to the Southeast Corner of said Lot 1; thence continue Southeasterly along the North lines of Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, and Lot 13, Unit One, Oakridge, as per plat recorded at Slide 1630-A, to the Southwest Corner of Tax Parcel No. 05-32-04-20-03-001-2.005; thence continue Southeasterly along the West lines of Tax Parcel No. 05-32-04-20-03-001-2.008, Tax Parcel No. 05-32-04-20-03-001-2.007, Tax Parcel No. 05-32-04-20-03-001-2.013, Tax Parcel No. 05-32-04-20-03-001-2.002, Tax Parcel No. 05-32-04-20-03-001-2.017, Tax Parcel No. 05-32-04-20-03-001-2.012, Tax Parcel No. 05-32-04-20-03-001-2.011, Tax Parcel No. 05-32-04-20-03-001-2.003, Tax Parcel No. 05-32-04-20-03-001-2.006, and Tax Parcel No. 05-32-04-20-03-001-2.004, a distance of 1,796.6 feet, more or less, to the South line of Section 20, Township 4 South, Range 2 East; thence run West along the South line of said Section 20, Township 4 South, Range 2 East, to the East line of Lot 19, The Village, Unit 2, per plat thereof

recorded in Map Book 7, page 115; thence run Northwesterly along the East line of The Village, Unit 2, to the Northeast Corner of Lot 17 said subdivision; thence run Southwesterly a distance of 200 feet to the Northwest Corner of Fiesta Drive; thence run Southeasterly a distance of 15 feet, more or less, to the Northeast Corner of Lot 16 of said subdivision; thence run Southwesterly a distance of 185.40 feet, more or less, to the Northwest Corner of said Lot 16; thence run Southeasterly along the West line of said Lot a distance of 131.24 feet to the Southwest Corner of said Lot 16; thence run Southwesterly along the West line of Lot 13, The Village, Unit 2, a distance of 55 feet, more or less, to the Northeast Corner of Lot 12, of said subdivision; thence run Northwesterly along the North line of said Lot 12 a distance of 100.01 feet, more or less, to the Northwest Corner of said Lot 12; thence run Southwesterly along the West line of said Lot 12 a distance of 150 feet, more or less, to the Southwest Corner of said Lot 12; thence continue Southwesterly and parallel with an extension of the West line of said Lot 12, a distance of 50 feet, more or less, to a point on the South margin of Ponce de Leon Drive; thence run Southeasterly along the South margin of Ponce de Leon Drive a distance of 30 feet, more or less, to the Northwest Corner of Lot 11 of The Village, Unit 2; thence run Southwesterly along the West line of said Lot 11 a distance of 150 feet, more or less, to the Southwest Corner of said Lot 11; thence run Northwesterly along the South lines of Lot 25 and Lot 26, the Woodlands at Spanish Fort, Unit One, as per plat thereof recorded at Slide 1436-B, a distance of 175.1 feet, more or less, to the Northeast Corner of Tax Parcel No. 05-32-09-29-02-001-12; thence run Southwesterly along the East line of said tax parcel a distance of 395 feet to the Southeast Corner of said tax parcel; thence run Northwesterly along the South line of said tax parcel a distance of 65 feet, more or less, to the West line of Section 29, Township 4 South, Range 2 East; thence run Northwesterly along the North line of Tax Parcel No. 05-32-09-30-01-001-1.01 a distance of 815 feet, more or less, to the East margin of Alabama Highway 225; thence run Southwesterly along the East margin of said Alabama Highway 225 a distance of 400 feet, more or less, to the North line of Grant Section 38; thence continue Southwesterly along the East margin of said Alabama Highway 225 to the Northwest Corner of Lot 1, Falls Church Subdivision, as per plat thereof recorded at Slide 1370-A; thence run Southeasterly along the North lines of Lot 1 and Lot 2 of said Falls Church Subdivision a distance of 200 feet, more or less, to the Northwest Corner of Lot 3 of said subdivision; thence run Southwesterly along the West line of said Lot 3 a distance of 175 feet, more or less, to the Southwest Corner of said Lot 3; thence run Easterly along the South lines of Lot 3 and Lot 4 of said subdivision a distance of 200 feet, more or less, to the Southeast Corner of Lot 4 of said Falls Church Subdivision; thence run Northerly along the East line of said Lot 4 a distance of 174.6 feet, more or less, to the

Northwest Corner of Lot 5 of said subdivision; thence run Southeasterly along the North boundary of said subdivision a distance of 668.25 feet, more or less, to the Northeast Corner of Lot 10 of said Falls Church Subdivision; thence run Southerly along the East boundary line of said subdivision a distance of 240 feet, more or less, to the Southeast Corner of Lot 11 of said subdivision; thence run Northwesterly along the South line of said Lot 11 a distance of 176.6 feet, more or less, to the Southwest Corner of said Lot 11 of said subdivision; thence run Southwesterly along the arc of a curve (said line being the West line of Lot 12 of said Falls Church Subdivision) a distance of 40 feet, more or less, to the Northeast Corner of Lot 13 of said Falls Church Subdivision; thence run Southeasterly along the East lines of Lot 13 and Lot 13A of said subdivision a distance of 303.26 feet, more or less, to the Southeast Corner of Lot 13A of said subdivision; thence run Southeasterly along the North line of Tax Parcel No. 05-32-09-38-00-001-22.069 to the Northeast Corner of said Tax Parcel; thence run South along the East line of said tax parcel a distance of 195 feet, more or less, to the Southeast Corner of said tax parcel; thence run Southwesterly along the South line of said tax parcel a distance of 110 feet, more or less, to the Southwest Corner of said tax parcel; thence run Southwesterly along the South line of Tax Parcel No. 05-32-09-38-00-001-22.03 a distance of 190 feet, more or less, to the Southwest Corner of said tax parcel; thence run Northerly along the West line of said tax parcel a distance of 315 feet, more or less, to the Northwest Corner of said tax parcel; thence run Northwesterly along the South boundary line of the Falls Church Subdivision, per plat thereof recorded at Slide 1370-A to the Southeast Corner of Lot 18A of said subdivision; thence run Northeasterly along the East lines of said Lot 18A and Lot 18 of said subdivision a distance of 250 feet, more or less, to the Northeast Corner of said Lot 18; thence run Northwesterly along the North line of said Lot 18 a distance of 107.2 feet, more or less, to the Northwest Corner of said Lot 18 of said subdivision; thence run Southwesterly along the West lines of said Lot 18 and Lot 18A a distance of 275 feet, more or less, to the Southwest Corner of Lot 18A of said Falls Church Subdivision; thence run Northwesterly along the South boundary lines of Lot 19A, Lot 20A and Lot 21A of said Falls Church Subdivision to the Southwest corner of said Lot 21A; thence continue Northwesterly along the South line of Tax Parcel No. 05-32-09-38-00-001-22.066 a distance of 167.50 feet, more or less, to the East margin of Alabama Highway 225; thence run Southwesterly along the East right-of-way line of Alabama Highway 225 a distance of 646.6 feet, more or less, to the South line of Grant Section 38; thence run West along the South line of Grant Section 38 to the intersection of said line with the East line of Lot 17, General Robert E. Lee Circle Subdivision, as per plat thereof recorded at Slide 444-A; thence run Northwesterly along the East lines of Lot 17, Lot 16, Lot 15, and Lot 14, of said subdivision, a distance of

246.13 feet, more or less, to the Northeast Corner of said Lot 14 of said subdivision; thence run Northwesterly along the North line of Lot 13 of said subdivision to its intersection with the East line of Tax Parcel No. 05-32-09-38-00-001-24.01; thence run North along the East lines of Tax Parcel No. 05-32-09-38-00-001-24.01 and Tax Parcel No. 05-32-09-38-00-001-24.03 to their intersection with the South line of Lot 12, Spanish Fort Estates, Third Addition, as per plat thereof recorded at Map Book 5, page 113; thence run Northeasterly along the Southeastern boundary line of Spanish Fort Estates, Third Addition, as per plat thereof recorded at Map Book 5, page 113, which is also the Southeastern boundaries of Lot 12, Lot 13, Lot 14 and Lot 15 of said subdivision, a distance of 498.28 feet, more or less, to the Northeast Corner of said Lot 15 of said subdivision; thence continue Northeasterly along the East boundary line of Spanish Fort Estates, Eighth Addition, as per plat thereof recorded at Slide 802-B a distance of 512.59 feet, more or less, to the Southeast Corner of Lot 35 of said subdivision, the point of beginning.

PARCEL 3

Commencing at the Southwest Corner of Lot 9, Stagecoach Ridge Subdivision, as per plat thereof recorded at Slide 885-B, the point of beginning; run thence East along the South line of said subdivision a distance of 926.19 feet, more or less, to the Southeast Corner of Lot 1 of said subdivision and the West right-of-way line of Wayside Drive; thence run East a distance of 60 feet, more or less, to the East right-of-way line of Wayside Drive; thence run South along the East right-of-way line of Wayside Drive a distance of 640 feet, more or less, to the Northwest Corner of Lot 4, Wayside Heights Subdivision, as per map or plat thereof recorded at Map Book 12, page 124; thence run East along the North line of said Lot 4 a distance of 220 feet, more or less, to the Northeast Corner of said Lot 4 of said subdivision; thence run South along the East lines of Lot 4 and Lot 3 of Wayside Heights Subdivision a distance of 160 feet, more or less, to the Southwest Corner of Tax Parcel No. 05-32-09-29-04-001-34.001; thence run East along the South line of said tax parcel a distance of 361.5 feet, more or less, to the Southeast Corner of said tax parcel; thence run North along the East line of Tax Parcel No. 05-32-09-29-04-001-34.001 a distance of 361.5 feet, more or less, to the Northeast Corner of said tax parcel; thence run North a distance of 60 feet, more or less, to the South line of Tax Parcel No. 05-32-09-29-04-001-36.001; thence run East to the Southeast Corner of said tax parcel; thence run North along the East line of Tax Parcel No. 05-32-09-29-04-001-36.001 a distance of 330 feet, more or less, to the Northeast Corner of said tax parcel; thence run East along the North line of Tax Parcel No. 05-32-09-29-04-001-38.02 to the Southwest Corner of Tax Parcel No. 05-32-09-29-04-001-60; thence run North along the West line of said tax parcel to the Northwest Corner of

said tax parcel; thence run North along the West line of Tax Parcel No. 05-32-09-29-04-001-16.002 to the Southwest Corner of Tax Parcel No. 05-32-09-29-04-001-16.001; thence run North a distance of 264.9 feet, more or less, to the Northwest Corner of Tax Parcel No. 05-32-09-29-04-001-17; thence run East along the North line of the Southeast Quarter of Section 29, Township 4 South, Range 2 East, to the Northwest Corner of Tax Parcel No. 05-32-09-29-04-001-1; thence run South along the West line of said tax parcel a distance of 550 feet, more or less, to the Southwest Corner of said tax parcel; thence run East along the South line of said tax parcel a distance of 326.6 feet, more or less, to the East line of Section 29, Township 4 South, Range 2 East; thence run South along the East line of Section 29, Township 4 South, Range 2 East, to the Southeast Corner of said Section 29; thence run West along the South line of said Section 29 to the Southwest Corner of Lot 1, Wayside Heights Subdivision, as per map or plat thereof recorded at Map Book 12, page 124; thence run west along the South line of Section 29, Township 4 South, Range 2 East, to the Northeast Corner of Tax Parcel No. 05-32-09-32-00-001-2; thence run South along the East line of said tax parcel a distance of 100 feet, more or less, to the Southeast Corner of said tax parcel; thence run South a distance of 178 feet, more or less, along the East line of Tax Parcel No. 05-32-09-32-00-001-3 to the Southeast Corner of said tax parcel; thence run Westerly along the South line of said tax parcel a distance of 734.3 feet, more or less, to the Southwest Corner of said tax parcel; thence run North along the West line of said tax parcel a distance of 277.5 feet, more or less, to the South line of Section 29, Township 4 South, Range 2 East; thence run West along the South line of said Section 29 to the Northeast Corner of Tax Parcel No. 05-32-09-32-00-001-1.002; thence run South along the East line of said tax parcel to the Southwest Corner of Tax Parcel No. 05-32-09-32-00-001-3.001; thence continue in a Southerly direction and parallel with an extension of the West line of said tax parcel to the South line of Tax Parcel No. 05-32-09-32-00-001-1.002; thence run Southwesterly along the South line of Tax Parcel No. 05-32-09-32-00-001-1.002 to the West line of Section 32, Township 4 South, Range 2 East; thence run Southwesterly along the South line of Tax Parcel No. 05-32-09-31-00-000-1 to the Southwest Corner of said tax parcel; thence run Westerly and Northerly along the South and West lines of Tax Parcel No. 05-32-09-31-00-000-2 to its intersection with the Southernmost point of Tax Parcel No. 05-32-09-31-00-000-2.002; thence continue North along the West line of said Tax Parcel to the Southwest Corner of Tax Parcel No. 05-32-09-31-00-000-2.001 and the East right of way of U.S. Highway 90; thence run North along the East right-of-way line of U.S. Highway 90 to the North line of Section 31, Township 4 South, Range 2 East; thence run North along the East right-of-way line of U.S. Highway 90 to the Northwest Corner of Tax Parcel No. 05-32-09-30-04-000-7; thence run

East along the North line of said tax parcel to the West line of Section 29, Township 4 South, Range 2 East; thence run North along the West line of said Section 29 to the North line of a 60 foot right-of-way adjacent to Tax Parcel No. 05-32-09-29-03-000-13.001; run thence Northeasterly and Northerly along the North and West margins of said 60 foot right-of-way to its intersection with the North line of the Southwest Quarter of Section 29, Township 4 South, Range 2 East; thence run East along the said North line of the Southwest Quarter of said Section 29 a distance of 60 feet, more or less, to the East margin of said 60 foot right-of-way; thence run South, Southeasterly and Easterly along the West and South boundary lines of Tax Parcel No. 05-32-09-29-03-000-13.002 to the Southeast Corner of said tax parcel; thence run South to the Southwest Corner of Tax Parcel No. 05-32-09-29-03-000-16; thence run East along the South line of said tax parcel a distance of 360 feet, more or less, to the Southwest Corner of Lot 9, Stagecoach Ridge Subdivision, as per plat thereof recorded at Slide 885-B, the point of beginning.

PARCEL 4

Commencing at the Northeast Corner of Section 25, Township 4 South, Range 1 East, the point of beginning; run thence Westerly along the North margins of Sections 25, 26, and 27, Township 4 South, Range 1 East, to the Northwest Corner of said Section 27; thence run North along the East line of Section 21, Township 4 South, Range 1 East, to the Northeast Corner of said Section 21; thence run West along the North line of Sections 21 and 20, Township 4 South, Range 1 East, to the Northwest corner of said Section 20; thence run South along the West line of said Section 20 to the Southwest Corner of said Section 20; thence run South along the West line of Section 29, Township 4 South, Range 1 East, to its intersection with the boundary line dividing Mobile and Baldwin Counties; thence run Southeasterly and Southerly along the boundary line dividing said Counties to the point at which said line intersects with the South line of said Section 29; thence run East along the South lines of Section 29, Section 28, Section 27, Section 26, and Section 25, to the Southeast Corner of Section 25, Township 4 South, Range 1 East; thence run East along the South line of Section 30, Township 4 South, Range 2 East, to its intersection with the East margin of D'Olive Creek; thence run Northerly along the East margin of D'Olive Creek to its intersection with the South margin of the North Fork of D'Olive Creek; thence run Northerly, Easterly, Southeasterly and Southerly along the South and West margins of the North Fork of D'Olive Creek to its intersection with the South line of said Section 30; thence run Southerly along the West margin of North Fork of D'Olive Creek to a point due West of the Southwest Corner of Tax Parcel No. 05-32-09-31-00-000-14; thence run Easterly

along the South line of said tax parcel to the West right-of-way line of U.S. Highway 98; thence run Northwesterly along the West right-of-way line of U.S. Highway 98 to its intersection with the West line of said Section 30; thence run North along the East line of Section 25, Township 4 South, Range 1 East, to the Southeast Corner of Tax Parcel No. 05-31-07-25-01-001-4.003; thence run Westerly a distance of 473.22 feet, more or less, to the Southwest Corner of Tax Parcel No. 05-31-07-25-01-001-4; thence run North along the West line of said tax parcel a distance of 100 feet, more or less, to the South line of Lot 1, J. D. Morris Lands, as per plat or map thereof recorded at Slide 440-B; then run West along the South line of said Lot 1 to the Southwest Corner of said Lot 1 and the East margin of the Blakely River; thence run Northeasterly along the meanderings of Blakely River to the Northwest Corner of Lot 3, J. D. Morris Lands, as per plat or map thereof recorded at Slide 440-B; thence run East to the East line of Section 25, Township 4 South, Range 1 East; thence run North along the East line of said Section 25 to the Northeast Corner of said Section 25, the point of beginning.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

The references to tax parcel numbers and tax plat maps refer to records in the Office of the Revenue Commissioner of Baldwin County, Alabama.

Section 2. A map showing the territory to be annexed is on file in the Office of the Judge of Probate of Baldwin County, Alabama.

Section 3. All territory brought within the corporate limits of the City of Spanish Fort under the provisions of this Act shall be subject to the laws and ordinances of the City, and the City Council shall have and exercise the same and exclusive jurisdiction over such territory as is presently exercised over the territory within the corporate limits of the City. Any of the territory brought within the corporate limits of the City of Spanish Fort under the provisions of this Act which is contained within or claimed to be contained within the corporate limits of any other municipality shall be deannexed, deleted or removed from the corporate limits of such other municipality, and the City of Spanish Fort shall exercise exclusive control, authority and jurisdiction over the aforementioned territory.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed to the extent of such conflict. However,

any and all rights or authority granted to the City of Spanish Fort pursuant to Act No. 98-634 shall remain in effect and shall be deemed cumulative to the authority and rights vested in the City of Spanish Fort hereunder.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:17 A.M.

Act No. 99-548

H. 766 – Rep. Laird

AN ACT

Relating to Chambers County; relieving the judge of probate from personal liability for programming or data entry errors and omissions made in good faith.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, the judge of probate shall be relieved of personal liability for programming or data entry errors and omissions made in good faith.

Section 2. It shall be the duty of the judge of probate to ensure that employees exercise due care in performing their required duties and make a diligent effort to correct any error, mistake, or omission.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:00 A.M.

Act No. 99-549

H. 279 – Reps. Newton (D), Major
and Houston

AN ACT

Relating to Jefferson County; to provide further for the maintenance, operation, and financing of the county law library for the Birmingham Division of the Tenth Judicial Circuit; to impose additional court costs in the Birmingham Division of the Tenth Judicial Circuit of Alabama; and to provide for the payment of the additional court costs into the Birmingham Division Law Library Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in Jefferson County.

Section 2. Notwithstanding any special, local, or general law to the contrary, there is levied on all cases filed in circuit and district court in the Birmingham Division of the Tenth Judicial Circuit an additional court cost of three dollars (\$3) which shall be in addition to the fees presently in effect. When collected by the clerk of the court, the fees shall be remitted by the clerk to the Birmingham Division Law Library Fund.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:18 A.M.

Act No. 99-550

H. 760 – Rep. Hall (A)

AN ACT

Relating to Jackson County; to amend Act 79-473, 1979 Regular Session, as last amended, so as to provide further for distribution of funds received by the county from payments made in lieu of taxes by the Tennessee Valley Authority; and to adjust such distributions of these payments so as to alter the portion paid to the Jackson County Economic Development Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 79-473, 1979 Regular Session (Acts 1979, p. 873), as amended, is amended to read as follows:

“Section 1. Any payments coming into the treasury of Jackson County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of payment of taxes shall be distributed as follows:

“(A) The first one hundred twenty thousand dollars (\$120,000) of each year’s payments shall be paid to the Jackson County Hospital Board to provide all residents of Jackson County with adequate ambulance service. Said money shall be paid in 12 equal monthly installments to begin October 1, 1980.

“(B) After the above appropriation to the Jackson County Hospital Board, the next one hundred fifty thousand dollars (\$150,000) (increased annually by an amount equal to two percent of any increase in T.V.A. payments received by the county over the amount of the previous year’s payments so that such two percent increases continually increase this amount) shall be paid to the Jackson County Economic Development Authority on an annual

basis. Said appropriation shall be paid before all other appropriations other than the appropriation to the hospital board. Said annual appropriation shall be paid in 12 equal monthly installments. In addition, the Jackson County Economic Development Authority shall receive annually two percent of any increase in T.V.A. payments received by the county over the previous year's payments.

"(C) In addition to all other amounts hereinabove paid to the Jackson County Economic Development Authority, commencing October 1, 1999, the next fifty thousand dollars (\$50,000), after the appropriations in subsections (A) and (B) above shall be annually paid to the Authority. Said additional annual appropriation to the Authority shall be paid in 12 equal monthly installments.

"All appropriations made hereby to the Jackson County Economic Development Authority shall be deposited in a special industrial development fund to be used for recruiting industry; matching public or private grants the county may receive for industrial development; special projects for site preparation, surveying, archaeological or geotechnical studies, or other expenses necessary to recruit industry to the county; and construction of an office for the Jackson County Economic Development Authority.

"Commencing October 1, 1999, the net payments remaining after the appropriations in subsections A, B and C above shall be distributed as follows:

"(1) One percent of such payments, or such portion thereof as shall be necessary, shall be used to establish, equip and maintain a legislative office for the members of the state legislative delegation serving Jackson County, Alabama, and may also be used for other county purposes at the discretion and direction of the legislative delegation.

"(2) Thirty-nine and two-thirds percent of such payments shall be distributed to the public school systems within the county on a per pupil basis.

"(3) Twenty-nine and two-thirds percent of such payments shall be distributed to the incorporated municipalities within the county on a population basis.

"(4) Twenty-nine and two-thirds percent of such payments shall be placed in the general fund in the county treasury and may be used for any lawful purpose by the county.

"Beginning October 1, 1999, all future growth in T.V.A. payments received by the county over the previous year's payments, less the amount of such growth provided in subsection B above to the Jackson County Economic Development Authority, shall be paid into an emergency fund and disbursed as determined by the legislative delegation serving Jackson County."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 11:19 A.M.

Act No. 99-551

H. 776 – Reps. Venable and Wren

AN ACT

Relating to Elmore County; providing for the compensation of the coroner, and providing for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The Coroner of Elmore County shall receive a total compensation of seven hundred eighty-four dollars (\$784) per month to be paid out of the county general fund on a monthly basis.

(b) The Elmore County Commission may adjust the salary and benefits of the coroner by resolution.

Section 2. This act validates salary and benefits paid to the Coroner of Elmore County retroactive to January 1, 1995; however, it does not authorize payments in addition to those received by the Coroner of Elmore County prior to the date this act becomes law.

Approved June 18, 1999

Time: 11:20 A.M.

Act No. 99-552

H. 808 – Reps. Dukes, Grantland,
Mancuso and Oden

AN ACT

Relating to Morgan County; to amend Sections 1 and 2 of Act 95-370 of the 1995 Regular Session (Acts 1995, p. 743); to provide further for the county commission to reimburse the Office of License Commissioner and Revenue Commissioner for any monetary loss resulting from the performance of official duties for errors, mistakes, or omissions made in good faith, not to exceed a certain maximum per annum.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act 95-370 of the 1995 Regular Session (Acts 1995, p. 743) is amended to read as follows:

“Section 1. The Morgan County Commission shall reimburse the Office of License Commissioner and the Office of Revenue

Commissioner from the general fund of the county the amount of any monetary loss in an amount not to exceed a total of five thousand dollars (\$5,000) per annum, arising or caused by error, mistake, or omission, including any loss arising from acceptance of drafts, money orders, or other written orders for money or its equivalent or any loss from missing tags, decals, or licenses if the error, mistake, or omission was caused without his or her personal knowledge.

“Section 2. The license commissioner and revenue commissioner shall use his or her best efforts to assure that his or her employees exercise due care in performing their duties, make a diligent effort to correct any error, mistake, or omission, and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by the license commissioner or revenue commissioner or any clerk or employee of either office.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-553

H. 795 – Rep. Hammett

AN ACT

Relating to the Covington County Commission; to amend Section 2 of Act 50 1950 First Special Session (Acts 1950, Vol. 1, p. 109), providing for the session days for conducting the business of the commission, to provide further for the session days.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 50 1950 First Special Session (Acts 1950, Vol. 1, p. 109), is amended to read as follows:

“The Covington County Commission shall meet in regular session in accordance with the provisions of Section 11-3-8, Code of Alabama 1975, and shall conduct an additional regular session each month in accordance with a policy to be established by the Covington County Commission, and amended from time to time.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-554

H. 803 – Rep. Graham

AN ACT

To authorize Tallapoosa County, Alabama, to establish enterprise zones to encourage private investment and to create jobs, and to authorize agencies of the county, the county governing body, and state and county agencies to carry out similar programs in the enterprise zones, including, but not limited to, the reduction of tax rates, and license rates and fees, the improvement of public services, and the reduction and modification of regulatory requirements within the zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to the county or private entities within the zones under any act of the Congress of the United States heretofore or hereafter enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama hereby finds and declares that the health, safety and welfare of the people of Tallapoosa County, Alabama, are enhanced by the continual encouragement, development, growth, and expansion of private enterprise within this state; that there are certain economically depressed areas in the county that need particular attention to create new jobs, stimulate economic activity, and attract private sector investment rather than government subsidy to improve the quality of life of their citizens. It is the purpose of this act to encourage new economic activity in these depressed areas of Tallapoosa County by means of reduced taxes and the removal of unnecessary governmental barriers to the production and earning of wages and profits and the creation of economic growth.

Section 2. In order to further the purposes of this act, Tallapoosa County may create by ordinance one or more specific areas as enterprise zones which the governing body finds are areas of pervasive poverty, unemployment, and general economic distress, and, in order to encourage private investment, to promote the creation of jobs within the zones, Tallapoosa County may initiate and carry out special programs which include, but are not limited to, the following:

(1) A reduction of local tax rates, local license rates, and local fees for governmental services within such zones.

(2) An increase in the level or efficiency of public services within the zones including provision for the providing of such services by nongovernmental entities.

(3) Reduction, removal, simplification, or other modification of regulatory requirements applying within such zones.

(4) Involvement of private entities, organizations, neighborhood associations, and community groups with such zones, including the provision by such entities of jobs, job training, and technical, financial, and other assistance to employers, employees, and residents of such zones.

(5) Other services or modification of requirements as may be necessary or desirable to qualify for financial assistance to Tallapoosa County zones or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Section 3. In carrying out any program established in an enterprise zone created hereunder, the governing body of Tallapoosa County and all agencies of Tallapoosa County created thereby, and the State of Alabama and all agencies thereof, are hereby authorized to carry out programs which include, but are not limited to, those authorized for Tallapoosa County under subdivision (1) to (5), inclusive, of Section 2.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-555

H. 806 – Rep. Ford (J)

AN ACT

Relating to Macon County; further providing for the distribution of the proceeds generated from the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Macon County.

Section 2. The Macon County Commission shall distribute forty thousand dollars (\$40,000) per annum from the sale of alcoholic beverages after 12:00 p.m. on Sunday to the Macon County Public Library.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-556

H. 807 – Rep. Millican

AN ACT

Relating to Marion County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensating of such official; abolishing the offices of tax assessor and tax collector; and providing for a referendum thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Marion County. Thereafter, a commissioner shall be elected at the general election next following the expiration of the term of office of the remaining successor. The county revenue commissioner shall serve for a term of six years next after his or her election and until his or her successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his or her office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of his or her office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama of 1901, and shall execute a bond in such sum as may be fixed by Section 40-5-3 of the Code of Alabama 1975, for tax collectors in Alabama, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions, and other allowances which the tax assessor or the tax collector

of the county is now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his or her office, the county revenue commissioner shall receive an annual salary as provided by law, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of the tax assessor and tax collector of Marion County are hereby abolished effective upon the occurrence of a vacancy in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform such duties until a county revenue commissioner has been elected as provided herein. For the performance of such duties, he or she shall be entitled to the salary hereinabove prescribed for the county revenue commissioner.

Section 8. The provisions of this act shall become operative in Marion County only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election to be held in accordance with Amendment 555 of the Constitution of Alabama of 1901, and the Election Laws of the State of Alabama. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Shall Act _____ of the 1999 Regular Session of the Legislature, which provides for the abolition of the offices of tax assessor and tax collector of Marion County and the consolidation of the duties of these officers into the one office to be known as the county revenue commissioner upon the occurrence of a vacancy in either the office of tax collector or tax assessor, be approved? Yes_____ No_____.”

If a majority of the votes cast at such election are “Yes” votes, then this act shall become effective as provided above. If a majority of the votes cast are “No” votes, this act shall have no further force or effect. The referendum election shall be held and conducted in accordance with Amendment 555, Constitution of Alabama 1901, and the election laws of the State of Alabama. The judge of probate shall certify the results of the election of the Secretary of State immediately after the returns have been certified.

Section 9. For the purpose of this act, the words “vacancy in the office of the tax assessor or tax collector” shall mean when either of the elected officials holding the office of Tax Collector of Marion County or Tax Assessor of Marion County, upon the date of passage of this act, should die, resign, retire, or fail to seek re-election to

such office, provided that, in the event of a vacancy by the means described above other than death, the vacancy shall not accrue until the effective date of resignation or retirement or until the expiration of the term of office for which elected, as the case may be.

Section 10. It is the purpose of this act to promote the public convenience in Marion County by consolidating the offices of tax assessor and tax collector into one office. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-557

H. 809 – Reps. Black (M) and Morrow
AN ACT

Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Muscle Shoals.

Section 2. As used in this act, unless the context indicates otherwise, the following words, terms, and phrases shall have the meanings ascribed to them:

(1) **APPOINTING AUTHORITY.** The city council and mayor, who shall appoint all heads of departments, and the civil service board, who shall appoint all other covered employees, as established by state law, city ordinance, or other legal requirement.

(2) **BOARD.** The Civil Service Board created by this act.

(3) **CITY.** The City of Muscle Shoals, Alabama.

(4) **COVERED INDIVIDUALS.** a. Any individual, including the head of a department, employed in the service of the city in a department on a regular basis for at least 32 hours in his or her established workweek or the equivalent hours for a public safety individual who is assigned to work a work period pursuant to the Fair Labor Standards Act.

b. Those individuals employed by the city on the effective date of this act who have previously completed the required probationary period shall be employees in the covered service and shall be awarded regular status in the service. Those individuals who are currently employed in the city service on the effective date of this act but have not completed the probationary period required by this act shall be required to complete the requirement pursuant to this act before being granted regular status in this service. These individuals shall be given credit for previous service to determine eligibility for being designated regular status employees in this service.

c. Individuals employed by the city in temporary or part-time positions shall not be covered by this act. The conditions of employment for the individuals shall be established by the mayor and council. Temporary and part-time individuals may not be moved directly into the service as established by this act, but may apply, along with other noncovered individuals, for any vacancy which exists in the service.

(5) DEMOTION. The reassignment of a covered employee to a position of a lesser class involving less responsibility and less complex duties.

(6) FLSA. Fair Labor Standards Act.

(7) HEAD OF DEPARTMENT. Any individual designated by the city council as head of a major activity or department.

(8) PART-TIME EMPLOYEE. That category of service in which the individuals are employed on an on-going basis but are normally scheduled to work less than 32 hours in the established workweek, or the equivalent hours for those public safety individuals who are assigned to work a work period in accordance with the Fair Labor Standards Act.

(9) PROBATIONARY STATUS. A condition of employment in which covered employees serve the have completion of the established probationary period and the approval for regular status by the appointing authority.

(10) PROMOTION. The reassignment of a covered employee to a higher job class involving definite and defined increase in duties and responsibilities and a corresponding increase in remuneration.

(11) REASSIGNMENT. The promotion, transfer, or demotion of a covered employee.

(12) REGULAR STATUS. A condition of employment that covered employees are afforded upon completion of the established probationary period and approval by the appointing authority.

(13) **TEMPORARY EMPLOYMENT.** The category of service in which individuals are employed in either full-time or part-time positions for a period of no more than 180 calendar days. If warranted, employment in the temporary service may be extended by the appointing authority for an additional 90 calendar days.

(14) **TRANSFER.** The reassignment of a covered employee to a position of equal or similar class involving duties and responsibilities and involving no increase in remuneration.

(15) **VETERAN.** Any person, male or female, who served on active duty, whether commissioned, enlisted, inducted, appointed, or mustered into the military or naval service of the United States during any military conflict in which the United States has been engaged or may engage, and who shall have been discharged or released from the services under conditions other than dishonorable.

(16) **WORK PERIOD.** The period of time established by the city for public safety employees in accordance with the Fair Labor Standards Act.

(17) **WORKWEEK.** A seven calendar-day period as established in accordance with the Fair Labor Standards Act.

Section 3. (a) All covered employees of the City of Muscle Shoals shall be subject to this act and the rules and regulations prescribed in or promulgated pursuant to this act.

(b) All implementing rules and regulations shall be approved by the city council, based upon applicable state and federal laws, and shall provide rules for examinations and appointment of new employees, reassignment of current employees, separations, disciplinary actions to include suspensions, demotions and dismissals, layoffs, leaves of absence with pay, leaves of absence without pay, and all other matters determined by the city council to be required to effectively implement the intent of this act. All approved implementing rules and regulations shall govern. The city council shall cause the approved rules and regulations and other components of the established Civil Service System to be reviewed and recommend changes prepared for approval as needed to keep the system responsible to the needs of the city, to meet all legal requirements, and to implement the intent of this act.

(c) The mayor shall develop and submit to the city council for approval job descriptions for the types of service to be performed in the departments of the city that are representative of the duties, activities, and qualifications, to include those of character, education, training, and experience for the appointees of each job class.

(d) Present employees determined to be regular status covered employees in accordance with this act and those who may hereafter be employed in the covered service and designated as regular status

employees shall remain in their respective employment during good behavior, efficiency, availability of funds, need as determined by the city council, and obedience to this act and the implementing rules and regulations prescribed and promulgated in accordance with this act. No present covered employee shall be subject to any examination in order to hold his or her present position of employment. This act shall not be construed to prevent or preclude the removal of any employee, regardless of employment status, for cause in the manner hereinafter provided.

(e) Except in connection with a reduction in force or demotion in any one department, no regular salary or compensation of a covered employee may be reduced without the approval of the board. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of appointment.

Section 4. (a) Upon the effective date of this act, the current board members shall complete their term of office. The board shall be composed of five members designated, respectively, as Member No. 1, Member No. 2, Member No. 3, Member No. 4, and Member No. 5. Each member shall be of recognized good character and ability and a resident and qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. No employee or official of the City of Muscle Shoals shall serve as a member of this board.

(b) The members of the board shall be appointed as follows:

(1) Members No. 1, No. 2, No. 3, and No. 4 shall be appointed by the mayor and city council.

(2) Member No. 5 shall be elected by the covered employees pursuant to guidelines established by the mayor and city council.

(c) As the term of each member shall expire, the proper appointing body shall appoint the successor to a term of three years. The proper appointing body shall fill vacancies for an unexpired term.

(d) Any member of the board may be terminated by the majority vote of the mayor and city council when his or her service to the board, including excessive absenteeism or personal conduct, is considered to be detrimental to the effectiveness or reputation of the board or the city. The mayor and city council may initiate termination action or may react in response to a written request from the majority of the board members when they deem the action is warranted. Specific administrative procedures to accomplish termination action shall be included in the adopted rules and regulations.

(e) The board shall meet at least once a month or as often as necessary in the municipal building or at another convenient place designated by the board on a date and at an hour to be fixed by its rules and regulations. Three members of the board shall constitute a quorum.

(f) The board shall annually elect one of its members as chair.

(g) Every person appointed to the board shall within 15 days after his or her appointment qualify by making written oath that he or she is eligible for the office and that he or she will faithfully perform the duties of the office. The oath shall be administered by a person authorized to administer oaths with a copy filed with the city clerk.

Section 5. The compensation of each board member shall be two thousand four hundred dollars (\$2,400) per annum, payable in twelve equal monthly installments.

Section 6. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times upon reasonable request. No duplication of records shall be allowed; records shall be examined on city premises and shall not be removed from city premises. The city shall furnish clerical assistance as needed by the board and shall act as the custodian of the records of the board.

Section 7. (a) All covered vacancies, except for heads of departments, shall be filed by the civil service board. The mayor shall notify the board when a vacancy exists.

(b) The board shall make and keep sufficient lists of all persons eligible and available for appointment as it determines necessary. City employees shall submit applications for reassignment to vacancies; the applications shall be integrated with applications from outside the city service. All appointments shall be made from the eligibility lists. In no event shall an appointment be made from a list which is more than 12 months old. The board shall conduct examinations to test the ability and qualifications of the applicants. Examinations shall be competitive, open to all qualified applicants, and subject to the limitations specified by the board. The board or its designated representative shall conduct all examinations. The board shall notify the applicants of the date and time of the examinations. The board shall not examine any person who has been convicted of a felony or an offense involving moral turpitude. The board shall develop a list of qualified applicants and make a selection from that list. Department heads shall provide recommendations to the board regarding applicants for positions in their respective departments.

(c) Persons laid off and who are eligible and available for reemployment shall be placed on the proper eligibility list in the inverse order of their lay off provided they request this consideration in writing to the board.

(d) The board shall make rules and regulations relating to eligibility for appointment. The board shall submit rules and regulations

to the city council for approval, at which time the rules and regulations shall be open to amendment and final ratification.

(e) Covered employees shall successfully complete the probationary period before becoming eligible for reassignment.

(f) A veteran and the widow of a veteran shall have five points added to his or her grade. Any veteran who is drawing compensation from the United States because of service-connected disability shall have 10 points added to his or her grade.

Section 8. The mayor and city council shall appoint all head of department vacancies in the city. The head of each department shall come under this act.

Section 9. All appointments, including new appointments, employee reassignments to covered vacant positions, including head of department positions, shall be on a probationary basis for a period of six months from the date of appointment. For those positions in which the individual is required to meet state minimum standards, such as police officers and fire fighters, the probationary period shall conclude upon fulfillment of the standards or the passage of six months, whichever is later. Before the expiration of the probationary period, the head of the department may, with the consent of the mayor, discharge the probationary employee. Regular status covered employees who were reassigned, including those reassigned to a head of department position, shall be returned either to their previous job or a similar job, if vacant, or placed on the layoff list.

Section 10. (a) The mayor or head of the department shall have authority to discipline any employee pursuant to this act and the rules and regulations adopted by the city council to implement this act. If a disciplinary action involves suspension without pay, demotion, or dismissal of a regular status employee, the mayor shall submit a written report of the action to the city council giving the reason or reasons for the action.

(b) No regular status employee may be suspended without pay, demoted, dismissed, or otherwise deprived of any right in his or her job unless he or she has been afforded the opportunity of a predetermination hearing before the mayor in which he or she may face his or her accusers and offer evidence in his or her defense prior to the action being taken.

(c) Charges may also be filed against any employee covered by this act by any non-employee and shall be submitted in writing to the mayor, setting forth succinctly the matters complained of, and sworn to before a person authorized to administer oaths. Upon receipt of the charges, the mayor shall, after due consideration and consultation with the head of the department, if the employee is not a head of a department, determine

whether the charges merit investigation. If in the judgement of the mayor the charges warrant investigation, the mayor shall initiate action to have the charges investigated and the necessary disciplinary action taken. The action shall be taken pursuant to this act and the rules and regulations adopted to implement this act.

(d) If the affected employee is not a head of a department and objects to the disciplinary action taken, the affected employee may file a written request with the board for a hearing concerning the action. Upon receipt of the appeal of the employee, the board shall hold a public hearing pursuant to Section 12. If the affected employee is a head of a department and objects to the action taken, the affected employee may file a written request with the city council for a hearing concerning the action. The city council shall hold a public hearing pursuant to procedural methods prescribed for the board in Section 11.

Section 11. (a) No disciplinary action taken against a regular status employee, except a head of a department, that involves suspension without pay, demotion, dismissal, or any other action as defined by the implementing rules and regulations shall become final until the board holds a hearing on the action, if the employee appeals the action in writing to the board within ten calendar days of receipt of written notification of the action to be taken by the mayor. Within 30 calendar days after receipt of the written appeal of the employee, the board shall schedule and hold a public hearing on the appeal and render a decision.

(b) All hearings before the board shall be recorded and transcribed. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. The board may in its decision uphold the action by the mayor, modify the action, set aside the action, or impose some other action as determined by the evidence and pursuant to the law.

(c) In any proceeding before the board, the mayor may authorize the city attorney or other representative of the city, including any member of the city council, to appear and represent the interest of the city.

(d) The board and its specially authorized representatives shall have the power to administer oaths, take depositions, and certify official acts. If the board finds it necessary to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act, the board or its representative may invoke the aid of the Circuit Court of Colbert County to produce the testimony or evidence. Upon proper showing, the court shall issue a subpoena or order requiring the person to appear before the board or its representative

and produce all evidence and give all testimony relating to the matter in issue. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state and shall be paid from the treasury of the city.

(e) Any party, including the city council, aggrieved by a final decision of the board or city council shall be entitled to a review of the decision by the Circuit Court of Colbert County, by filing a petition in the court within 30 days after the final decision is rendered. The petition shall be accompanied by a security for the cost of the appeal as approved by the clerk of the court. Upon the filing of any petition and approval of the security, notice thereof shall be served upon the chair of the board or on the petitioner. The petition shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon the terms and conditions it deems proper, at any time before the hearing of the petition, permit the taking of additional evidence before the board and allow modification of the findings and final decision of the board. The court upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board unless or reverse and remand the matter to the board for further proceedings consistent with the judgement of the court. The court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of the board included any of the following:

- (1) Unsupported by substantial evidence in the record submitted.
- (2) In excess of the authority conferred by this act on the board.
- (3) Violative of constitutional provisions.
- (4) Arbitrary or capricious.

(5) Affected otherwise by substantial error or injustice. An appeal may be taken from any final judgement of the circuit court to the Court of Appeals of Alabama or the Supreme Court of Alabama. The appeal shall be perfected as provided in the Alabama Rules of Appellate Procedure. The decision or order of the board shall not be superseded by any review or appeal, and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review or appeal.

(f) All cases pending before the board pursuant to prior legislative requirements on the effective date of this act shall be transferred to the board and the proceedings shall be held and consultation on specific matters before the board.

Section 12. No individual shall use, or promise to use, directly or indirectly, any official authority of influence, whether

possessed or anticipated, to affect employment, promotion, pay, or other conditions of employment, either adversely or advantageously, with the city for the purpose of influencing the vote or political action of any person or for any other consideration. No employee of the city shall be denied the right to participate in federal, state, county, and municipal activities, except as limited by federal or state law. A covered employee who is a candidate for municipal office in the City of Muscle Shoals shall take a leave of absence beginning on the day he or she files a statement of candidacy and continuing for as long as he or she is a candidate for the office.

Section 13. The violation by any employee of this act, or of any of the rules and regulations adopted by the city pursuant to this act, shall constitute an offense for which charges may be preferred against the employee. If charges are sustained by the city after notice and hearing, the employee may be discharged or otherwise disciplined. The city or any citizen may institute charges against an employee for the violation of this act or of any of the rules or regulations.

Section 14. Upon the effective date of this act, the city shall adopt and have printed the rules and regulations in accordance with this act. The rules and regulations and all amendments thereafter adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment shall become effective until notice of its adoption has been given to the public for 30 days by posting a copy of the amendment in the vestibule of the municipal building.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-558

H. 810 – Rep. Boothe

AN ACT

Relating to Pike County, providing for the allocation of expenditures for the office of license inspector, as determined by the Pike County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The budgeted expenditures of the office of license inspector as determined by the Pike County Commission in its annual budget shall be financed on a pro rata share basis from the net proceeds of state, county, and municipal mobile home registration fees and permits and from the net proceeds of state and business licenses collected in the county. All proceeds from such distribution shall be used to offset expenditures in the office of the license inspector, as approved by the Pike County Commission.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:20 A.M.

Act No. 99-559

H. 812 – Reps. Houston, Robinson (O),
Rogers (J), Major, Hilliard,
Parker (W), Dunn,
Humphries and Payne

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Brighton in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Brighton in Jefferson County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

The following lots in the Johnson City Survey situated in the SW 1/4 Sec. 26, T 18 S, R 4 W and recorded in Map Book 1210 at Page 87, in the Probate Office of Jefferson County, Bessemer Division:

Lots 2-8, and 19-26, Block 2 and Lots 2-7, and 20-21, Block 3.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Brighton is on file in the office of the Judge of Probate in Jefferson County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:21 A.M.

Act No. 99-560

H. 815 – Reps. Jackson and Warren

AN ACT

Relating to Conecuh County; authorizing the sheriff to operate a jail store and telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned and; confirming and ratifying certain prior actions.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Conecuh County or the authorized agents of the sheriff may operate a jail store and a telephone system for prisoners within the confines of the county jail. The jail store and telephone system shall be operated to serve the needs of the jail population.

Section 2. (a) The sheriff shall establish and maintain a Law Enforcement Fund in a bank located in Conecuh County. All proceeds collected under this act shall be deposited by the sheriff into the Law Enforcement Fund.

(b) The sheriff shall keep an account of all jail store sales, telephone usage fees, and transactions of the Law Enforcement Fund for audit by the Department of Examiners of Public Accounts. The jail store account, telephone system account, and Law Enforcement Fund shall be audited at the same time other accounts of the sheriff are audited. The Department of Examiners of Public Accounts shall submit a copy of the audit to the sheriff within 30 days of its completion.

Section 3. All profits realized in the operation of the jail store and telephone system shall be expended at the discretion of the sheriff for law enforcement purposes in Conecuh County that are in the interest of the public.

Section 4. The establishment of the Law Enforcement Fund and the use of the proceeds shall not diminish or take the place of any other source of income established for the sheriff or the operation of the office.

Section 5. Any actions relating to the operation of a jail store and telephone system in the county jail prior to the effective date of this act are ratified and confirmed. Any existing proceeds derived from the operation of a jail store and telephone system in the county jail prior to the effective date of this act shall be deposited into the Law Enforcement Fund created by this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-561

H. 783 – Rep. Jackson

AN ACT

Relating to Conecuh County; to authorize the Conecuh County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. The Conecuh County Board of Health shall designate the services rendered by the County Health Department for which fees may be charged and shall set the fee to be charged for each service. Any fees to be charged under the authority of this act by the County Health Department shall be subject to approval by the Conecuh County Commission prior to implementation. The Health Department is hereby authorized to charge and collect such fees. All fees collected shall be in addition to any and all federal, state and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the State Examiners of Public Accounts.

Section 2. No person shall be denied any service because of that person's inability to pay. The County Board of Health may establish a sliding fee scale based on one's ability to pay.

Section 3. This act shall not apply to nor affect any fees otherwise authorized, set or collected under state or federal law or regulations.

Section 4. All fees collected pursuant to this act are hereby appropriated to the respective health department which collected such fees.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-562

H. 794 – Rep. Penry

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Fairhope in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Fairhope in Baldwin County are altered, rearranged, and extended

to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory: From the Northeast Corner of Section 10, T6S, R2E, Baldwin County, Alabama run thence West along the section line 1526.6 feet; thence run South 40 feet to a point on the south boundary of Alabama Highway 104 for a Point of Beginning; thence run South, 1242.48 feet; thence run S-8959'03"-W, 750.35 feet; thence N-001'40"-W, 818.78 feet; thence N-8958'57"-E, 188.63 feet; thence N-004'35"-W, 462.93 feet to a point on the south boundary of Alabama Highway 104; thence run N-8954'24"-E along said highway 562.73 feet to the Point of Beginning. The parcel contains 20 acres, more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Fairhope is on file in the office of the Judge of Probate in Baldwin County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:22 A.M.

Act No. 99-563

H. 254 – Rep. Kennedy

AN ACT

To authorize the county commission of Mobile County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, consisting of all the area lying within the boundaries of Mobile County, Alabama, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, from the present rate of \$.35 on each one hundred dollars (3.5 mills on each dollar) of assessed value to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value, to provide that the proceeds from the increase in the rate at which the special school district tax is levied shall be used solely for certain specified purposes authorized by Amendment No. 3 to the Constitution, and to repeal Act 98-605, H. 664, enacted at the 1998 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases shall have the following meanings:

(1) AMENDMENT NO. 3. That amendment to the Constitution that was proposed by Act No. 60, S. 130, 1915 Regular Session.

(2) **AMENDMENT NO. 325.** That amendment to the Constitution that was proposed by Act No. 116, H. 56, 1971 Third Special Session.

(3) **AMENDMENT NO. 373.** That amendment to the Constitution that was proposed by Act No. 6, H. 170, 1978 Second Special Session.

(4) **BOARD.** Board of School Commissioners of Mobile County.

(5) **CAPITAL PLAN.** The Board's existing Mobile County Public School System Phase II Building Program.

(6) **COMMISSION.** Mobile County Commission.

(7) **CONSTITUTION.** The Constitution of Alabama of 1901.

(8) **COUNTY.** Mobile County, Alabama.

(9) **SPECIAL SCHOOL DISTRICT TAX.** The special district ad valorem tax for public school purposes authorized in Amendment No. 3 and levied and collected on taxable property in the Special School Tax District.

(10) **SPECIAL SCHOOL TAX DISTRICT.** The special school tax district in the County subject to the jurisdiction and control of the Board, which consists of all the area lying within the boundaries of Mobile County, Alabama, as the school tax district now exists or as it may be hereafter formed.

Section 2. The County presently levies and collects the Special School District Tax at a rate of \$.35 on each one hundred dollars (3.5 mills on each dollar) of assessed value pursuant to Amendment No. 3 and Amendment No. 325. Pursuant to a resolution adopted by the Commission in accordance with Amendment No. 373, the County proposes to increase the rate at which it may levy and collect the Special School District Tax to a maximum rate, for any tax year, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value, provided that the proceeds derived by the Board from the increase in the rate at which the Special School District Tax is levied shall be applied solely for (a) the payment of the costs of capital improvements, including the payment of principal of and interest on obligations issued for the purpose of financing such capital improvements, (b) the payment of the costs of maintaining and renovating buildings, and (c) the payment of the costs of school-based operations (excluding central office expenditures).

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution adopted by the Commission after a public hearing, the Commission may increase the rate at which the County levies and

collects the Special School District Tax to a maximum rate, for any tax year, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value, provided that the proceeds from the increase in the rate at which the Special School District Tax is levied shall be applied solely for the purposes specified in the resolution adopted by the Commission which is referred to in Section 2.

Section 4. The increase in the rate at which the Special School District Tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in the Special School Tax District who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373. The special election shall be held August 17, 1999.

Section 5. If the increase in the rate at which the Special School District Tax is authorized to be levied is approved in accordance with Section 4, the Board, or any successor entity having jurisdiction and control over public schools within the Special School Tax District, shall cause to be prepared for its approval each year a capital improvement plan, supplementing and amending the Capital Plan, including a capital budget for the next succeeding fiscal year outlining project funding sources and project plans and a prioritized list of capital projects for at least the next four years thereafter, showing project locations, estimated costs, and such other matters as are included in the Capital Plan. The Capital Plan may be amended as the Board or any such successor entity deems necessary.

Section 6. Act 98-605, H. 664, enacted at the 1998 Regular Session of the Legislature of Alabama is hereby expressly repealed.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:23 A.M.

Act No. 99-564

H. 792 – Rep. Lindsey

AN ACT

Relating to Cleburne County; providing for an additional expense allowance for the coroner; and providing retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coroner of Cleburne County shall be entitled to receive an additional expense allowance in the amount of two hundred twenty-five dollars (\$225) per month to be paid out of the county general fund. This expense allowance shall be in addition to any and all other compensation, salary, and expense allowances provided for by law.

Section 2. This act shall become effective retroactively to October 1, 1996.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-565

H. 786 – Rep. Crigler

AN ACT

Relating to Mobile County; to amend Sections 1 and 2 of Act No. 333, 1965 Regular Session (Acts 1965, p. 461); to provide for the appointment of temporary Judges of Probate in the County to serve in lieu of the regularly elected Judge of Probate of the County under certain conditions and contemporaneously with the Judge of Probate in others; prescribing the qualifications, appointments, terms, duties, powers, responsibilities, authority, compensation, termination of terms of temporary Judges of Probate of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 333, 1965 Regular Session (Acts 1965, p. 461), are amended to read as follows:

“Section 1. (a) If the regularly elected Judge of Probate of Mobile County is incompetent from any legal cause, incapacitated, absent or will be absent from sickness, or otherwise disqualified from acting as Judge, the Judge of Probate or the Chief Clerk shall certify the fact of incompetency, incapacity, absence, sickness, or disqualification to the presiding Judge of the Circuit Court of the County and the presiding Judge of the Circuit Court shall, upon that certificate, appoint a person learned in the law, practicing and residing in the County, to act as temporary Judge of Probate. At any time when the regularly elected Judge of Probate of the County files a certificate in the office of the Circuit Clerk of the County that he or she is no longer incompetent, from any legal cause, incapacitated, absent, absent from sickness, or otherwise disqualified from acting as Judge, then the regularly elected Judge of Probate of the County shall forthwith resume the office, duties, authority, and jurisdiction and all the authority and jurisdiction of the temporary Judge of Probate of the County appointed by the presiding Judge of the Circuit Court of the County shall immediately terminate.

“(b) In addition thereto, the Judge of Probate of Mobile County, in his or her discretion, may appoint one or more temporary Judges of Probate to serve contemporaneously with him or her when the elected Judge of Probate finds that the temporary appointments are necessary because of calendar congestion, or complexity of issues, the prospects of an unduly long trial, or caseload management. No temporary appointment shall be for a term longer than ninety days. A temporary Judge of Probate may be appointed for as many successive ninety-day periods or fractions thereof as might be necessary. The authority granted in this subsection shall expire on January 1, 2001.

“(c) All temporary Judges of Probate shall have the jurisdiction and authority and discharge the duties of the Judge of Probate, and the judgments, orders, and decrees made or rendered by any of them shall be entered on the records of the Probate Court, and shall have the force and effect, and shall be subject to revision or appeal or by other revisory remedy, of judgments, orders and decrees of the Probate Court of Probate or of the Judge of Probate. Neither the regularly elected Judge of Probate of the County, nor the surety on his or her bond, shall be responsible for any of the acts or decisions made by any temporary Judge of Probate, failure to act or report by any temporary Judge of Probate, or any of the acts or failure to act of any employee in the Probate Court during the tenure of any temporary Judge of Probate Judge.

“Section 2. Any temporary Judge of Probate provided for in this act shall take the oath directed to be taken by the officers of the State and shall give bond in the sum of not less than ten thousand dollars to be fixed and approved by the presiding Judge of the Circuit Court of the County, except that the bond of those temporary Judges of Probate appointed by the regularly elected Judge of Probate shall be fixed and approved by him or her. Any temporary Judge shall receive during the period served compensation based on ninety per centum (90%) of the compensation paid to the regularly elected Judge of Probate. Temporary Judges of Probate shall not be entitled to any benefit for the appointments beyond the salary compensation allowed herein. Nothing in this act shall be construed to deprive the regularly elected Judge of Probate of the salary and benefits provided by law for the Judge of Probate during his or her term of office.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:25 A.M.

Act No. 99-566

S. 528 – Senator Preuitt

AN ACT

Relating to the Twenty-ninth Judicial Circuit; to amend Sections 9 and 11 of Act 85-546, 1985 Regular Session (Act 1985, p. 795), as last amended by Act 93-302, 1993 Regular Session (Acts 1993, p. 439), to provide for the election and funding of Circuit Judgeship No. 3.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9 and 11 of Act 85-546, 1985 Regular Session (Acts 1985, p. 795), as last amended by Act 93-302, 1993 Regular Session (Acts 1993, p. 439), are amended to read as follows:

“Section 9. There is hereby created an additional judgeship in the Twenty-ninth Judicial Circuit which shall be Circuit Judgeship No. 3. The additional judgeship created by this act shall be filled at the general election to be held in 2006 and the judge elected shall serve a full term of office beginning on the first Monday following the second Tuesday in January 2007.

“Section 11. There is hereby appropriated from the State General Fund to the Unified Judicial System for the fiscal year 2006-2007, additional funding as may be required to fully fund the additional circuit judgeship in the Twenty-ninth Judicial Circuit.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-567

S. 459 – Senator Biddle

AN ACT

To prohibit a person from driving his or her motor vehicle off the premises of a gasoline establishment where gasoline is offered for retail sale and dispensed unless payment or an authorized charge was made for the gasoline; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) No person shall drive his or her motor vehicle off the premises of an establishment where gasoline is offered for retail sale after dispensing gasoline into the fuel tank of his or her

motor vehicle if the person fails to remit payment or make an authorized charge for the gasoline that was dispensed.

(b) A person who violates this section shall be guilty of a Class A misdemeanor.

(c) The driver's license of a person convicted for a second or subsequent offense of violating this section shall be suspended as follows:

(1) On a second conviction, the driver's license of the person shall be suspended for a period of six months.

(2) On a third or subsequent conviction, the driver's license of the person shall be suspended for a period of one year.

(d) The person shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the Department of Public Safety.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-568

H. 814 – Rep. Allen

AN ACT

Relating to Tuscaloosa County, Alabama; to provide for a retirement system for police officers and firefighters of the City of Tuscaloosa, Alabama; to provide for membership and service requirements, eligibility, amount, and payment of benefits; to provide for employer and employee contributions to the system; to provide for administration and management of the system under a board of trustees; to provide for certain limitations on benefits to certain employees; to provide for appeals

from decisions made by the board; and to repeal Act 328, H. 854, 1959 Regular Session (Acts 1959, p. 907), as amended, Act 604, H. 1169, 1961 Regular Session (Acts 1961, p. 714), Act 1068, S. 940, 1973 Regular Session (Acts 1973, p. 1811), Act 80-611, H. 1108, 1980 Regular Session (Acts 1980, p. 1038), Act 86-556, S. 540, 1986 Regular Session (Acts 1986, p. 1129), Act 87-455, S. 493, 1987 Regular Session (Acts 1987, p. 684), Act 88-742, H. 93, 1988 First Special Session (Acts 1988, p. 146), Act 91-509, H. 1051, 1991 Regular Session (Acts 1991, p. 900), Act 96-390, H. 438, 1996 Regular Session (Acts 1996, p. 478), and Act 98-350, H. 889, 1998 Regular Session (Acts 1998, p. 613).

Be It Enacted by the Legislature of Alabama:

Section 1. A retirement system for police officers and firefighters of the City of Tuscaloosa, Alabama, is provided for by Articles 1 to 10, inclusive, which are contained in Sections 2 to 11, inclusive, of this act.

Section 2. ARTICLE I. DEFINITIONS.

As used in this act, the following words and terms shall have meanings as follows:

1.01 ANNUITY STARTING DATE. The first day for which a benefit is payable as an annuity or any other form under 5.01.

1.02 BENEFICIARY. The person or persons named by a member by written designation filed with the board to receive payments under this plan after the member's death. The member may not change his or her beneficiary after his or her annuity starting date. If no beneficiary designation is in effect at the member's death or if no person so designated survives the member, the member's surviving spouse, if any, shall be deemed to be the beneficiary.

1.03 BOARD. The Police and Fire Pension Board as constituted under 7.01 or its delegate.

1.04 BREAK IN SERVICE. A period of absence which would constitute a break in the member's service under the City of Tuscaloosa Personnel Rules and Civil Service Board Rules; provided, however, that periods of leave and periods of service in the uniformed services of the United States, determined in accordance with 3.02, shall not constitute a break in service.

1.05 CITY. The City of Tuscaloosa, Alabama.

1.06 CITY CLERK. The City Clerk of the City of Tuscaloosa or his or her designated representative.

1.07 CODE. The Internal Revenue Code of 1986, as amended from time to time.

1.08 EQUIVALENT ACTUARIAL VALUE. The equivalent value when computed on the basis of tables provided by the plan actuary.

1.09 FINANCE DIRECTOR. The Chief Financial Officer of the City of Tuscaloosa or his or her designated representative.

1.10 FIREFIGHTER. Any regular full-time member of the City of Tuscaloosa fire department employed as either: (i) a firefighter trainee, or (ii) a certified firefighter or a rank thereof.

1.11 FUND. The assets of the plan held in trust by the board pursuant to this act.

1.12 LEAVE. A period of absence from work during which the member is entitled to a leave under the provisions of the Family and Medical Leave Act of 1993 and its regulations: (i) in order to care for the member's child following the birth of the child, (ii) because of the placement of the child with the member for adoption or foster care, (iii) because of a serious health condition that makes the member unable to perform his or her duties as a police officer or firefighter, or (iv) for purposes of caring for his or her child, spouse, or parent having a serious health condition.

1.13 MEMBER. Any person included in the membership of the plan, as provided in Article 2.

1.14 PLAN. The Tuscaloosa Police Officers and Firefighters Retirement Plan, as provided for in this act.

1.15 PLAN ACTUARY. A member of either the Society of Actuaries or the American Academy of Actuaries who is authorized by the board to perform actuarial services for the fund in accordance with 7.04(a).

1.16 PLAN YEAR. The 12-month period beginning on any January 1.

1.17 POLICE OFFICER. Any regular full-time member of the City of Tuscaloosa police department employed as either: (i) a police patrol officer trainee, or (ii) a certified police officer or a rank thereof.

1.18. REVENUE DIRECTOR. The Director of the City of Tuscaloosa Revenue Department.

1.19 SALARY. A member's base salary (up to the contribution and benefit base under Section 230 of the Social Security Act in effect at the beginning of the plan year) for his or her classification plus overtime pay, official job assignment pay, and holiday pay, including picked-up contributions but excluding bonuses and other extra pay and benefits. Notwithstanding the foregoing, the salary of any member hired after December 31, 1995, for any purpose under the plan, including the determination of final average salary, shall not exceed one hundred fifty thousand dollars

(\$150,000), as adjusted in accordance with the provisions of Section 401(a)(17)(B) of the Code.

1.20 SERVICE. Service recognized in accordance with the provisions of Article 3 for purposes of determining a member's eligibility for a benefit under the plan and the amount of that benefit.

Section 3. ARTICLE 2. MEMBERSHIP.

2.01 Membership Requirements.

(a) As of the effective date of this act, every firefighter and every police officer, as defined, shall be eligible for membership and shall become a member in this plan; provided, however, that any police officer or firefighter who was not, prior to the effective date of this act, a member of the plan shall not be required to become a member.

(b) Any police officer or firefighter who was not, prior to the effective date of this act, a member of the plan shall have a period of 90 days following the effective date of this act in which to elect to become a member provided that he or she is not at that time actively covered as a member of either the Employees' Retirement System of Alabama or the City of Tuscaloosa Retirement Plan for Hourly Employees. Any member electing to be covered by the plan under this provision shall receive service credit and become subject to the contribution provisions of 6.03, and the city subject to the contribution provisions of 6.05; prospectively (excluding any prior periods) from the first of the month following the date on which such membership was elected.

2.02 Events Affecting Membership.

A person's membership in the plan shall end when he or she is not longer employed as a police officer or firefighter or, if he or she is entitled to benefits under the plan, when those benefits have been distributed to him or her. Membership shall continue while on leave or other leave of absence approved by the board or during periods of service in the uniformed services of the United States, as defined in 3.02(c), but no service shall be counted for periods except as specifically provided in Article 3. A person's benefit shall be determined in accordance with the provisions of the plan in effect on the date he or she ceases to be a member.

2.03 Membership Upon Reemployment.

If a member's membership in the plan ends and he or she is rehired as an eligible police officer or firefighter, he or she shall again become a member on the date he or she is rehired as an eligible police officer or firefighter.

Section 4. ARTICLE 3. SERVICE.**3.01 Service.**

(a) A member will be credited with one year of service for each calendar year in which he or she, and the city has on his or her behalf, contributed to the fund based on at least 2,080 regular time hours of employment as either a police officer or a firefighter. Regular time hours include hours for which the member receives compensation under a state workers' compensation program.

(b) If a member does not satisfy the requirement of 3.01(a) for a particular calendar year, he or she will receive a fractional amount of service for that calendar year equal to the member's actual hours of employment (as defined in 3.01(a) above) divided by 2,080 regular time hours.

(c) Notwithstanding the provisions of 3.01(a) and 3.01(b), and solely for the calculation of the benefit under 4.01(b), a member's service shall be the number of entire years during which he or she has contributed to the pension fund and has served in the department in which he or she was employed.

(d) Service performed other than as a police officer or firefighter shall not be included in a member's service except as provided in 3.02.

3.02 Military Service.

(a) If a member shall have been absent from service as a police officer or firefighter because of service in the uniformed services of the United States and if he or she shall have returned to service as a police officer or firefighter having applied to return while his or her reemployment rights were protected by law, that absence shall not count as a break in service.

(b) If the member who returns to service as a police officer or firefighter in accordance with paragraph (a) above makes the contributions that would have been required by 6.03 had he or she not been in the uniformed services, his or her period of service in the uniformed services shall be counted as service. The member may make those contributions at any time within a period beginning on his or her return to service as a police officer or firefighter which is equal to three times his or her period of service in the uniformed services, but not longer than five years. The city will also contribute the amounts that would have been required by 6.05 once the member makes the aforementioned contributions. For purposes of determining the amount of the member's contributions that would have been required by 6.03, a member's salary during his or her period of service in the uniformed services shall be

deemed to be the salary he or she would have received for that period had he or she remained employed as a police officer or firefighter or, if that salary is not reasonably certain, his or her average salary for the 12-month period immediately preceding his or her service in the uniformed services.

(c) For purposes of 3.02, the terms "service in the uniformed services of the United States" and "uniformed services" shall have the meanings given to those terms in Sections 4303(13) and 4303(16) of the Uniformed Services Employment and Reemployment Rights Act of 1994.

3.03 Restoration of Retired Member or Other Former Member to Service.

(a) If a member entitled to a benefit under 4.01, 4.02, or 4.03 of the plan is restored to service as a police officer or firefighter, any benefit he or she may be receiving under Article IV shall cease and any election of an optional benefit in effect shall be void. If he or she is restored to service as a police officer or firefighter before he or she has a break in service period of at least one year, any service to which he or she was entitled when he or she retired or terminated service shall be restored to him or her, and upon his or her later retirement or termination, his or her benefit shall be based on the benefit formula then in effect and his or her salary and service before and after his or her break in service, reduced by an amount that is of equivalent actuarial value to the benefits he or she received under 4.01, if any, before his or her restoration to service. If he or she is restored to service as a police officer or firefighter after having a break in service exceeding one year, his or her service prior to the break in service shall be restored to him or her. Upon his or her later retirement or termination, the benefit he or she received under 4.01, if any, prior to his or her break in service shall recommence plus he or she shall receive an additional amount determined under the provisions of Article IV based on his or her service and his or her salary after his or her break in service.

(b) Notwithstanding the provisions of 3.03(a) above, if a member who has received a distribution of his or her contributions to the plan under 4.03 is restored to service as a police officer or firefighter, then he or she shall not receive service credit for his or her period of service as a police officer or firefighter prior to his or her termination of employment unless he or she repays the amount he or she received under 4.03 plus ten percent (10%) interest per annum. The member may repay the amount at any time within a period beginning upon his or her return to service as a police officer or firefighter which is equal to three times his or her period of service prior to his or her termination of employment, but no

longer than five years. Upon his or her subsequent retirement or termination of employment, his or her benefit shall be based on his or her service both before and after his or her initial termination of employment.

Section 5. ARTICLE 4. ELIGIBILITY FOR AND AMOUNT OF BENEFITS.

4.01 Retirement.

A member who terminates his or her employment as a police officer or firefighter after he or she has (i) completed 20 years of service (25 years of service or attained age 60 with 20 years of service prior to the effective date) or (ii) attained age 65, shall have a nonforfeitable right to receive a monthly benefit. His or her monthly benefit shall be equal to the greater of (a) and (b); subject to the minimum benefit provisions of (c) and (d), the special transition rule of (e), and the optional form of payment provision of (f), as follows:

(a) Four and four-tenths percent (4.4%) of the amount of his or her "pension base" multiplied by service, adjusted by the following for members who retire on or after the effective date:

(I) Reduced by six percent (6%) for every year of service (and proportionately for any fraction of a year, thereof) less than 25, except no reduction shall apply for any member whose membership began before the effective date of this act provided that he or she retires after attaining age 60, and

(II) Increased by six percent (6%) for every year of service (and proportionately for any fraction of a year, thereof) greater than 25, up to a maximum of 5 years.

(b) One and one-half percent (1.5%) of his or her final average salary multiplied by his or her service, if payable no earlier than age 65. If the benefit commences prior to age 65, such benefit shall be the equivalent actuarial value of the benefit payable at age 65. The member shall have the right to make an election under 5.03 of the single life annuity form provided for in 5.02(b) to commence no later than his or her attainment of age 65. This provision shall not be subject to 4.05.

(c) Subject to the requirements for benefit eligibility under 4.01, any persons under the coverage of the pension plan who have contributed to the fund for at least 15 years shall receive a monthly benefit of at least eight hundred forty-eight dollars and twenty-eight cents (\$848.28).

(d) Any individuals who are receiving benefits created by Act 187, S. 339, 1951 Regular Session (Acts 1951, p. 438), as amended, shall receive a benefit of at least three hundred dollars (\$300).

(e) Notwithstanding the above provisions of 4.01, if a member retires before having completed 5 years of service following the effective date of this act, such member shall be given the opportunity to elect for his or her benefit to be determined between Options I and II as follows:

(I) The benefit otherwise determined under the provisions of 4.01 except that the service used in the calculation of adjustments in 4.01(a)(I) and 4.01(a)(II) ("adjusted service") shall reflect the member's actual service limited to 30 years, decreased by the excess (including fractions thereof) of 5 years over the service that the member completed following the effective date of this act. Provided, however, that (i) if the member completed at least 25 years of service, the adjusted service would not be less than 25 years; and (ii) if the member's adjusted service is less than 20 years, the member would not be eligible to receive a benefit based on 4.01(a) under this option.

(II) The benefit otherwise determined under the provisions of 4.01, except that no benefit shall be paid from the plan until the sum of foregone benefits would equal the amount of 4% of the member's pension base multiplied by the excess, if any, (including fractions thereof) of (i) the service over 25 years or under 25 years as applicable, up to a limit of 5 years, completed by the member at retirement; over (ii) the service that the member completed following the effective date of this act.

(f) The benefit otherwise provided in 4.01 shall be subject to the member's election of an optional form of payment under 5.02.

The term "pension base" means the member's average monthly salary for the 12-month period immediately preceding retirement, unless he or she has been demoted in the five years immediately preceding his or her retirement, in which case his or her "pension base" shall be the average monthly salary for the 60-month period immediately preceding retirement, if greater.

The term "final average salary" as used in 4.01(b) above means the member's average monthly salary for the 36-month period immediately preceding retirement.

4.02 Disability.

(a) When any firefighter or police officer shall be confined to his or her bed, under the necessary care of a physician, by reason of sickness or other disability, for as long a period as fifteen days, the board shall direct the payment to such firefighter or police officer from the fund the sum of one hundred nine dollars and eighteen cents (\$109.18) weekly while so confined, not to exceed in any event twelve weeks; provided, however, that if such police officer or firefighter has

been in the service of the department of which he or she is a member for a period of 10 years, and the board shall determine at the end of such twelve weeks that such disability is or has become permanent, they shall retire such disabled person and place him or her upon the pension roll, and his or her benefit shall be determined and paid pursuant to 4.01; provided further, that such firefighter or police officer shall not be entitled to any benefits or relief under this section during such time as he or she shall receive any salary from the city. This section shall not impair the right of any firefighter or police officer to receive benefits under Act No. 570, H. 82, 1967 Regular Session (Acts 1967, p. 1323).

(b) Whenever the board shall determine that any firefighter or police officer has become temporarily disabled, mentally or physically, for service in the department of which he or she is a member, and that such disability arose either: (i) from any injury received or accident occurring while engaged in the performance of his or her duty or is otherwise a direct result of his or her service in such department, or (ii) for any reason after such firefighter or police officer has completed 10 years of service in the department of which he or she is a member, then the board shall order that such disabled firefighter or police officer be paid monthly out of the fund during the period of disability a sum equal to sixty-five percent (65%) (one hundred and ten percent (110%) for members who joined the plan prior to the effective date of this act) of the monthly pension base paid such firefighter or police officer at the time of his or her having become so disabled; provided, that any benefits payable under this section shall be reduced by an amount equal to the amount, if any, which the member shall receive from the city as salary. The board shall be the sole judge of the extent and cause of any such disability and of the time when such disability has ceased to exist, and the board's determination thereof shall be final.

(c) Whenever the board shall determine that such disability determined under 4.02(b) is or has become permanent, the board shall retire such disabled person and place him or her upon the pension roll and pay him or her a monthly pension equal to the greater of: (i) the pension he or she is otherwise entitled to receive under 4.01, and (ii) sixty-five percent (65%) (one hundred ten percent (110%) for members who joined the plan prior to the effective date of this act) of the pension base for such firefighter or police officer at the time of his or her having become so disabled. It is provided, however, that the minimum monthly benefit payable hereunder for permanent disability to those members disabled as a result of service whose service at time of disability is less than 15 years and the minimum monthly benefit payable hereunder for those members disabled while not in service whose service at time

of disability is greater than 10 years but less than 15 years shall be five hundred ninety-three dollars and seventy-nine cents (\$593.79); the minimum monthly benefit to those members whose service at time of disability is at least 15 years but less than 20 years shall be six hundred seventy-eight dollars and sixty-two cents (\$678.62); and the minimum monthly benefit to those persons whose service at time of disability is 20 years or more shall be eight hundred forty-eight dollars and twenty-eight cents (\$848.28). The minimum benefits under this section shall not be limited by 4.05.

(d) The maximum monthly benefit payable hereunder for permanent or temporary disability to those members disabled as a result of service whose service at the time of disability is less than 15 years, and the maximum monthly benefit payable hereunder for permanent or temporary disability for those members disabled while not in service and whose service at time of disability is greater than 10 years but less than 15 years shall be one thousand forty-five dollars and fifty-one cents (\$1,045.51); the maximum monthly benefit payable to those members whose service at time of disability is at least 15 years but less than 20 years shall be one thousand two hundred twenty dollars (\$1,220); and the maximum monthly benefit payable to those members whose service at time of disability is 20 years or more shall be one thousand three hundred ninety-four dollars (\$1,394).

The temporary weekly benefit, percentages, and maximum limitations set forth in this section may be adjusted by resolution of the board pursuant to 4.05.

(e) Members who are receiving a benefit pursuant to this Section 4.02 shall submit annually, and at such other times as ordered by the board, such statements or other evidence of his or her disability as may be required by the board, including the results of an examination by physicians or other health professionals selected by the board. Any member applying for or in receipt of any disability or sickness benefits under this section who refuses to provide the evidence of disability or to allow the examination shall not receive any disability benefits from this plan until he or she complies with the board's request. If the board has reasonable cause to believe that a member receiving a disability benefit is no longer disabled, the board shall, upon notice, conduct a hearing to determine the member's continued eligibility for the benefit and to ascertain whether the member has received any payments for which the member was ineligible. If the board finds that the member is no longer disabled, the board shall discontinue the member's benefit payments. The board may also file suit in the circuit court to recover any payments made to any member who has been found to be ineligible to receive those payments. If the board is the prevailing party in the action, it shall also recover its reasonable attorney's fees for bringing the suit.

(f) Notwithstanding the above provisions of 4.02, any member who joined the plan on or after the effective date of this act would have to satisfy the disability eligibility provisions of the Federal Social Security Act in addition to the disability eligibility provisions herein in order to be deemed to be totally disabled, and therefore eligible for the temporary or permanent disability benefits of 4.02(b) and 4.02(c). Any member who satisfies the disability eligibility provisions of Section 4.02(b) or 4.02(c), but fails to satisfy the disability eligibility provisions of the Social Security Act shall be deemed to be partially disabled and would receive 50% of the total disability benefit available for temporary or permanent disability. Such 50% adjustment shall apply to the 65% amount under 4.02(c)(ii), the minimum disability benefit of 4.02(c), and the maximum disability benefit of 4.02(d).

4.03 Termination of Employment.

If any firefighter or police officer be discharged or for any other reason leaves the employment of the police department or fire department before he or she becomes entitled to any of the retirement benefits provided for under this act, he or she shall forfeit all right to all benefits under this act, but he or she shall be paid by the board any monies, without interest, that may have been paid into such fund by him or her by deduction from salary, less one-half of any sick benefits which have been paid to him or her from such fund. If any police officer or firefighter is killed or dies, his or her death not resulting from action while in line of duty, and he or she does not have 10 years of service so as to entitle his or her surviving spouse or dependent children to a pension or allowance under the other provisions of this act, the surviving spouse or the legal guardian of the minor children (or the beneficiary if neither of these apply) shall be paid by the board any monies, without interest, that may have been paid into such fund from the salary of the police officer or firefighter, less one-half of any sick benefits which have been paid to him or her from such fund.

4.04 Death.

The provisions of 4.04 herein shall be applied subject to the member's election of any optional form of payment under 5.02 if the member dies on or after his or her annuity starting date.

(a) For the purposes of this section, children of any police officer or firefighter who are under the age of 18 years or under the age of 23 years and full-time students at a postsecondary educational institution, and the surviving spouse of any police officer or firefighter shall be conclusively presumed to be dependent upon such firefighter or police officer.

(b) If any firefighter or police officer shall: (i) while in the performance of his or her duty, be killed, or die as a result of any injury received in the line of his or her duty, or shall die from any cause whatsoever as the result of his or her service in such department and while in such service; or (ii) after having served in such department for more than 10 years, the last five years of which were consecutive, die from any cause while in service or on the retired or disabled list, and shall leave a surviving spouse surviving him or her, the board shall direct the payment to such surviving spouse monthly during his or her natural life, and while unmarried, a sum equal to forty-two and forty-one hundredths percent (42.41%) of such member's pension base at the time of his or her death. Furthermore, if such member leaves surviving him or her a child or children under 18 years of age or under the age of 23 years and a full-time student at a postsecondary educational institution, the board shall direct the payment monthly from the fund to their surviving parent, whether married or unmarried, for the child's use and benefit, an amount equal to twenty-five and forty-five hundredths percent (25.45%) of the member's pension base at the time of his or her death for each child eligible to receive benefits as defined above, not to exceed in the aggregate an amount equal to seventy-six and thirty-five hundredths percent (76.35%) of such pension base, so long as such child or children live with their surviving parent, or under their control. If such child or children have no surviving parent, or such surviving parent dies during the time such child or children are entitled to such benefit, such sum may be paid by the board to the person having control and custody of such child or children or to such other person as the board may direct, to be expended by such person for the benefit of the child or children as may be prescribed by said board. Should such deceased firefighter or police officer leave no surviving spouse or child entitled to benefits as set out, but one widowed parent entirely dependent upon him or her for support, the board shall pay to him or her monthly during his or her natural life a sum equal to forty-two and forty-one hundredths percent (42.41%) of the member's pension base at the time of his or her death. The percentages set forth in this section may be adjusted by any resolution of the board pursuant to 4.05. The maximum monthly benefit payable for a surviving spouse with no dependent children shall be eight hundred thirteen dollars (\$813); for a surviving spouse with one dependent child, one thousand one hundred four dollars (\$1,104); and for a surviving spouse with two or more dependent children, one thousand three hundred ninety-four dollars (\$1,394). The above maximum benefits shall be adjusted in the same manner as 4.01(a)(I) for service less than 25 years in the case of a member who dies after his or her annuity starting date. The percentages and maximum limitations set forth in this section may be adjusted by resolution of the board pursuant to 4.05.

(c) When the surviving spouse or child or children or widowed parent, or either of them shall be entitled to a pension as provided in this act, such surviving spouse or child or children or widowed parent, shall make or cause to be made an application to the board through the secretary of such board, on a form to be provided by the board, which shall show, in the case of the surviving spouse, proof of marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widowhood of the parent of such deceased member, and his or her dependency for support upon him or her shall be shown by affidavits of such widowed parent or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the surviving parent of such children or of disinterested persons, or by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the board.

(d) Notwithstanding the above provisions of 4.04, but subject to the member's election of any optional form of payment under 5.02 on or after the member's annuity starting date, the benefit payable to a surviving spouse shall not be less than 50% of the benefit that would have been payable to the member under 4.01(b) in a 50% joint and survivor annuity form (on an equivalent actuarial value basis) on the member's annuity starting date or the member's date of death, if the member died before his or her annuity starting date.

4.05 Maximum Benefits and Benefit Adjustments.

(a) Under no circumstances shall any retired firefighter or police officer be paid a monthly pension or other monthly benefit for purposes of 4.01(a) in excess of two thousand dollars (\$2,000); adjusted in the same manner as in 4.01(a)(I) and 4.01(a)(II), as modified by 4.01(e), if applicable; for members who retire on or after the effective date. Such amount may be increased by the board as the actuarial study prepared pursuant to 7.04(a) may indicate is justified by the fund's condition for any firefighter or police officer who contributed to the fund for 20 or more years (25 or more years for a member who retired prior to the effective date).

(b) Any increase in the pensions and benefits payable in this act (including limitations) authorized to be made by the board shall be made by resolution duly spread upon its minutes, and no such increase shall be authorized unless and until an actuarial study as described in 7.04(a) indicates the financial soundness of the fund at such time of the proposed increase. If an actuarial study provided above indicates that the fund's condition so warrants, the board shall grant a percentage increase of all pensions and benefits payable under this act, if the maximum limitation is

increased. The board may grant different percentage increases to different classes of beneficiaries, but all members of a class must receive the same increase. If an actuarial study provided above indicates that the fund's condition so warrants, the board may grant a percentage increase (by class of beneficiaries) in any maximum limitation set forth in this act. Each such increase may, but need not, be equivalent to the increase granted to all other pensions and benefits under this act. This act shall not affect any increases in benefits or limitations previously granted.

(c) Any individuals who are receiving benefits from the Firemen's and Policemen's Pension and Relief Fund created by Act 187, S. 339, 1951 Regular Session (Acts 1951, p. 438), as amended, shall upon passage of this act become beneficiaries under this plan and shall continue to receive such benefits as they were previously entitled to receive or were receiving and shall be entitled to enjoy any applicable increases which the board may adopt pursuant to 4.05 from time to time.

(d) The maximum benefits otherwise provided in 4.05 shall be subject to the member's election of an optional form of payment under 5.02.

4.06 Code Section 415 Maximum Benefit Limitation.

Notwithstanding any provision of the plan to the contrary, the maximum annual benefit paid to a member and the maximum annual addition contributed to the plan on behalf of a member shall not exceed the limitations imposed by Section 415 of the Code and any regulations issued thereunder. The mortality table prescribed by the Secretary of the Treasury under Section 417(e)(3)(A)(ii)(I) of the Code for the plan year in which the annuity starting date for the benefit occurs shall be used to the extent necessary to determine if the benefit exceeds the limitations imposed by Section 415 of the Code. For purposes of 4.06, the limitation year shall be the plan year. To the extent this plan has to be combined with any other plan of the city, the State of Alabama, or any other employer for purposes of Section 415 of the Code, any reductions in benefits required to comply with the provisions of Section 415 of the Code shall be made first in the benefits provided under this plan and second in the benefits provided under such other plans in the order specified in such other plans.

Section 6. ARTICLE 5. PAYMENT OF BENEFITS.

5.01 Payment of Benefits.

(a) Benefits payable to a member under 4.01 or 4.02 shall be payable in monthly installments beginning on the first day of the month following the latest of: (i) the day the member retires or ter-

minates his or her employment, (ii) the board's approval of the member's benefit, or (iii) the member's election of an optional form of benefit made in accordance with 5.03.

(b) If any eligible survivor of a deceased member is entitled to a benefit under 4.04 (subject to any election made by the member under 5.03, if the member died on or after his or her annuity starting date), the benefit payable under 4.04 will be payable in monthly installments beginning on the first day of the month following the later of (i) the date of death of the member, or (ii) the board's approval of the eligible survivor's benefit.

(c) The board shall determine and calculate the amount of benefits payable to a member based upon the applicable criteria or to an eligible survivor of a deceased member entitled to benefits pursuant to the provisions hereof. The board shall inform the treasurer of the fund, in writing, of the name, address, social security number, the date on which such benefit shall become payable or commence, and the amount of monthly benefits due to the member or eligible beneficiary, as well as any subsequent changes in the beneficiaries or amounts payable thereto.

Based upon such information, and within a reasonable period of time from receipt thereof, not to exceed one month, the treasurer of the fund shall cause the issuance for execution of periodic and single sum checks, making withholdings and deductions as required by applicable law, made payable to the member or eligible beneficiary and in the amount as designated by the board.

All warrants or checks drawn on the fund shall be by order of the board duly and regularly entered in the records of its proceedings. Each such check and warrant drawn on the fund shall be executed by the chairperson of the board and by the treasurer of the fund or their designated representatives. Provided, however, the chairperson of the board may only designate, in writing, another current member of the board. The signatures of either the chairperson of the board or the treasurer of the fund, or his or her designated representative, may be by mechanical or electronic device, if at least one such signature is initialed by such person or his or her designated representative.

5.02 Optional Forms of Payment.

(a) Any member whose annuity starting date occurred before the effective date of this act and who had no persons eligible for a survivor benefit either at such annuity starting date or at the effective date of the act, shall have a 90 day period to elect a one-time increase of 5 percent (5%, not 5 percentage points) in such benefit that is currently being paid in lieu of any future benefit that would be paid to a person who would subsequently become

eligible for a death benefit under 4.04. Such 5% increase would apply to (i) any benefit specified in 4.01 except 4.01(b), and (ii) the maximum benefits in 4.05, and would not affect his or her eligibility for future adjustments under these provisions following his or her annuity starting date. This election, once made, would be irrevocable.

(b) Any member whose annuity starting date did not occur before the effective date of this act, shall be eligible to elect a life annuity benefit (with spousal consent if the member is married) as of his or her annuity starting date. The life annuity benefit would be 5 percent (5%, not 5 percentage points) higher than the benefit otherwise payable under the plan (as described below) and would be paid in lieu of any benefit that would ever become payable upon the member's death under 4.04. Such 5% increase would apply to (i) any benefit specified in 4.01 except 4.01(b), and (ii) the maximum benefits in 4.05, and would not affect his or her eligibility for future adjustments under these provisions following his or her annuity starting date. This election, once made, would be irrevocable.

(c) If a member dies after his or her benefit payments have commenced, any payments continuing on to his or her beneficiary shall be distributed at least as rapidly as under the method of distribution being used as of the member's date of death.

5.03 Election of Options.

(a) An election under 5.02, if available to the member, shall be made in a time and manner determined by the board and shall be signed by the member and witnessed by a notary.

(b) An election of an optional form of payment under 5.02 (other than 5.02(a)) shall be effective on the member's annuity starting date. If a member who has elected an optional benefit dies before his or her annuity starting date, the election shall be void.

5.04 Distribution Limitation.

Notwithstanding any other provision of this Article 5, all distributions from this plan shall conform to the regulations issued under Section 401(a)(9) of the Code (except where the plan is explicitly exempt), including the incidental death benefit provisions of Section 401(a)(9)(G) of the Code. Further, such regulations shall override any plan provision that is inconsistent with Section 401(a)(9) of the Code. The life expectancies of members and their spouses shall not be recalculated.

5.05 Direct Rollover of Certain Distributions.

(a) Notwithstanding any provisions of the plan to the contrary that would otherwise limit a distributee's election under this article,

a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) The following definitions apply to the terms used in this section:

(i) An “eligible rollover distribution” is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life, or life expectancy, of the distributee or the joint lives, or joint life expectancies, of the distributee and the distributee’s designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income;

(ii) An “eligible retirement plan” is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, an annuity plan described in Section 403(a) of the Code, or a qualified trust described in Section 401(a) of the Code that accepts the distributee’s eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity;

(iii) A “distributee” includes a member or former member and the member’s or former member’s surviving spouse; and

(iv) A “direct rollover” is a payment by the plan to the eligible retirement plan specified by the distributee.

Section 7. ARTICLE 6. CONTRIBUTIONS.

6.01 Witness and Seizure Fees and Rewards. Reserved.

6.02 Insurance Premiums.

Each fire insurance company, including mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama and doing business in the city shall annually, and on or before the first day of March of each year hereafter, pay into the fund a sum equal to one and one-half percent (1.5%) of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city during the preceding calendar

year. It shall be unlawful for any such fire insurance company or its agent to take or receive any premium for insurance against fire within the city unless such fire insurance company shall pay, at the time aforesaid, to the fund the amount herein provided to be paid by such fire insurance company. Any such fire insurance company violating any of the provisions of this section shall forfeit to the fund the amount herein provided to be paid by such fire insurance company, and any such fire insurance company violating any of the provisions of this section shall forfeit to the fund the sum of one thousand dollars (\$1,000) to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of the board for the use of such fund.

Each person, firm, or corporation which conducts a fire insurance agency or brokerage business in the city shall annually, within the first 10 days of each year, make and file a sworn statement, in writing, with the revenue director giving the name and address of each fire insurance company which such person, firm, or corporation represented or did business for, as agent or broker, during the preceding year. Any such person, firm, or corporation conducting any such fire insurance agency or brokerage business in the city violating the provisions of this section shall forfeit to the fund the sum of one hundred dollars (\$100) to be recovered against such person, firm, or corporation so violating such provisions by suit brought in the name of the city for the use of the fund and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of the fund.

Notwithstanding the aforementioned provisions of this section, the said sum equal to one and one-half percent (1.5%) of gross premiums, less return premiums, required by this section to be paid by fire insurance companies into the fund shall be treated and held to be a part of the maximum of four percent (4%) on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in the city during such year under Section 11-51-120, Code of Alabama 1975.

6.03 Member Contributions.

(a) Prior to the effective date of this act, from the salary of each firefighter and police officer there shall be deducted and paid into the fund an amount equal to seven percent (7%) of the amount of such salary.

(b) Beginning with the effective date of this act, or as soon thereafter as practical, from the salary of each firefighter and police officer the city shall agree to assume and pay "picked up"

member contributions to the fund in lieu of direct contributions by the member in an amount equal to eleven percent (11%) of the amount of such salary (excluding bonuses and other extra pay and benefits) with such contributions being paid into the fund on behalf of the member.

Member contributions picked up by the city shall be payable from the same source of funds used to pay compensation to a member. A deduction shall be made from a member's salary equal to the amount of contributions picked up by the city. This deduction shall not reduce the member's salary, pension base, or final average salary. No member shall have the option of choosing to receive the contributed amounts directly instead of having them paid by the city directly to the fund. All such contributions by the city shall be deemed and considered as part of the member's accumulated contributions and subject to all provisions of this plan pertaining to accumulated contributions of members, but treated as city contributions in determining tax treatment under the Code. The intent of this language is to comply with Section 414(h)(2) of the Internal Revenue Code of 1986, as amended.

(c) Notwithstanding the provisions of 6.03(a) and 6.03(b), whenever a member of the fire or police department of the city is ineligible for membership in the fund by reason of the provisions of this act, neither such ineligible member nor his or her salary nor other compensation shall be subject to any assessment for the benefit of this fund.

6.04 Donations.

The board may take by gift, devise, or bequest any money, personal property, real estate, or any interest therein or any right of property, and any such gift, grant, devise, or bequest may be absolute or in fee simple or upon condition that only rents, income and profits arising therefrom shall be applied to the purposes for which this fund is created.

6.05 City Contributions (non picked-up).

The governing body of the city shall cause to be paid into the fund out of the treasury of the city an amount equal to thirteen percent (13%) of the salary (excluding bonuses) of each member of the fire and police department who is eligible for membership in this fund, such payment to be made to the fund as and when such salary becomes payable, and deduction therefrom is made as provided in this section.

6.06 Return of Contributions.

The city may recover from the fund, without interest, the amount of its contributions to the fund made on account of a mistake in fact,

reduced by any investment loss attributable to those contributions, if recovery is sought within one year after the date of discovery.

Section 8. ARTICLE 7. ADMINISTRATION OF PLAN.

7.01 Appointment of Board.

(a) The board is responsible for the general administration of the plan and for carrying out the provisions of the plan. The board shall consist of eleven members, as follows: (i) one member appointed by the Tuscaloosa City Council to serve a term concurrent with the terms of the members of the city council, who may be an employee of the city but not an employee of the police or fire department, (ii) the chief of the fire department, (iii) the chief of the police department, (iv) three additional members from the fire department, (v) three additional members from the police department, (vi) one retired firefighter, and (vii) one retired police officer. The board shall elect a chairperson from among the members on an annual basis. The members of the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created pursuant to Act No. 328 of the Alabama Legislature of 1959 (Acts 1959, p. 907), as amended, shall continue to serve as members of the board created by this act until otherwise provided in 7.02 or 7.03.

(b) There shall be a secretary of the board, whose duties shall be, except as otherwise provided by this act, as follows:

Attend and take the minutes of official meetings and actions of the board, prepare resolutions to be considered or enacted by the board, maintain a record of those members or eligible beneficiaries receiving benefits from the plan, maintain a list of all members of the plan (reflecting the date(s) of employment by the city, periods of employment, breaks in service), maintain written communications of the board, written requests from members for benefits and election of benefits (provided, however, it shall be the responsibility of the board to provide to the secretary the appropriate form or forms for members and/or their eligible beneficiaries to make elections of benefits and requests for payment of benefits).

There shall be a treasurer of the board, whose duties, except as otherwise provided by this act, shall be as follows:

Maintain the financial records of the fund (not investment portfolios or records or reports thereof) regarding the amount paid each month to members and eligible beneficiaries, maintain records of the board regarding payments and receipts of the board in its normal course of business, receive and deposit all money belonging to the fund or coming into his or her hands as treasurer for and on behalf of the fund, maintain records of all accounts established by the board with financial institutions as depositories

approved by the board, determine the monthly balances of the funds therein and interest received thereon, prepare checks or warrants in the amounts and to the persons or entities in the amounts and from the accounts designated by the board and present them to the appropriate officials of the board for execution, calculate and distribute federal and/or state income tax forms to members and eligible beneficiaries associated with payments from the fund, prepare monthly 941 reports, provide financial information within his or her possession or control as treasurer to auditors, accountants, actuaries and other consultants employed or retained by the board, provided, however, nothing herein shall require or obligate the treasurer of the fund to be qualified as a certified public accountant nor to perform services to or on behalf of the board traditionally performed by or in the nature of auditing the finances or accounts of the fund, an accountant, an actuary or investment counselor or advisor.

The city shall provide secretary and treasurer services to the board as herein defined through one or more of its employees and/or by independent contract, as it deems appropriate. The board may, by resolution duly enacted, request the city relinquish all or any portion of the performance of either or both of such services or any other function required of the city or any of its officers, agents or employees pursuant to this act, except that of board member. The city may then elect to relinquish such services or function by resolution duly enacted by the city council. Provided, however, upon the relinquishment of any such service or function, and subject to the terms and conditions agreed upon between the parties as set forth in their respective resolutions, the city shall be relieved of the performance of the same unless reassumed by corresponding action of the board and the city council.

7.02 Election of Active Police Officers and Firefighters.

The three members of the board described in 7.01(a)(v) above shall be elected from among their number by the police officers who are entitled to vote in such election and the three members of the board described in 7.01(a)(iv) above shall be elected from among their number by the firefighters who are entitled to vote in such election. Neither the chief of police nor the chief of the fire department shall be entitled to vote in such elections.

The members of the board who have been elected and are serving as described in 7.01(a)(iv) and 7.01(a)(v) at the effective date of this act shall serve until the next scheduled regular election for such respective member. Such elections shall be held on the second Tuesday, Wednesday, and Thursday in January, with each member serving a staggered three-year term, beginning with the year 2001. All such elections shall be held independently of one another

and shall be held at police headquarters for the police department and at fire station number one for the fire department, or some other place duly designated by the board, beginning at eight o'clock in the forenoon and continuing until five o'clock in the afternoon.

Only police officers and firefighters who are eligible to become members of the plan and to participate in the benefits as herein provided shall be entitled to vote in such elections. Voting shall be by secret ballot.

The city clerk or his or her designee shall prepare the ballots which shall be printed, typewritten, mimeographed, or reproduced by other means. He or she shall place on said ballots the names only of those nominated as candidates as herein provided and the names of such as may request in writing that their own names be placed thereon as nominees. Any three members of the fire department eligible to vote in such election may nominate in writing a candidate willing to serve from the fire department, and any three members of the police department eligible to vote in such election may nominate in writing a candidate willing to serve from the police department. Such nominations and such requests from persons entitled to vote in said election that their own names be placed in nomination on such ballot shall be filed with the city clerk or his or her designee not earlier than two weeks before the date of such election and not later than five o'clock in the afternoon of Thursday immediately preceding such election.

The candidate receiving a majority of the votes cast in an election shall hold office as a board member for a term of three years beginning on the Monday next following that election and until a successor is elected and must accept by notifying the chairperson of the board of such acceptance. If no candidate receives a majority of the votes cast, a runoff election will be held between the two candidates receiving the highest numbers of votes. If no candidate receives a majority of the votes cast, and two or more candidates receive the same number of votes for purposes of joining the runoff election, then the chairperson of the board shall forthwith determine by lot from the persons so receiving such equal number of votes who shall be included in the runoff election.

The chief of the police department and one police officer selected by him or her and the chief of the fire department and one firefighter selected by him or her shall act as election officials in their respective departments and, on the last election day immediately after the casting of such ballots, shall canvass and count the same for their respective departments and certify in writing in duplicate the number of ballots cast and the number of ballots received by each candidate. After signing such certificates, each

chief shall immediately post one copy thereof at the place of election and not later than twelve o'clock noon on the following day deliver one copy thereof together with all the ballots cast by his or her department, in a securely sealed envelope, to the chairperson of the board who shall on the day following said election in the presence of the chief of such fire department and the chief of such police department, open said envelopes, examine said certificates and ascertain and determine the total number of ballots cast at said election for each of the candidates, and shall issue certificates of election to the candidates receiving the highest number of votes as aforesaid. In case any two candidates shall have received the same number of votes in a runoff election, so that there would be no choice under the foregoing provisions, then the chairperson of the board shall forthwith determine by lot from the persons so receiving such equal number of votes who shall be the trustee. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of such election by the officer or persons in charge thereof.

Should a vacancy occur in the position of an elected member of the board as described in 7.01(iv) or 7.01 (v), such vacancy shall, with reasonable promptness, be filled for the unexpired term from the department in which the vacancy exists, by means of a special election.

7.03 Election of Retired Police Officers and Firefighters.

The member of the board described in 7.01(vii) above shall be elected from among their number by the retired police officers who are entitled to vote in such election and the member of the board described in 7.01(vi) above shall be elected from among their number by the retired firefighters who are entitled to vote in such election.

The members of the board who have been elected and are serving as described in 7.01(vi) and 7.01(vii) at the effective date of this act shall serve until the next scheduled regular election for these members. Such election shall be held on the second Tuesday, Wednesday, and Thursday in January of every third year, beginning with the year 2002. All such elections shall be held independently of one another and shall be held at police headquarters for retired police officers and at fire station number one for retired firefighters, or some other place duly designated by the board, beginning at eight o'clock in the forenoon and continuing until five o'clock in the afternoon.

Only retired police officers and firefighters who are receiving a benefit from the fund as herein provided shall be entitled to vote in such elections. Voting shall be by secret ballot.

The city clerk or his or her designee shall prepare the ballots which shall be printed, typewritten, mimeographed, or reproduced

by other means. He or she shall place on said ballots the names only of those nominated as candidates as herein provided and the names of such as may request in writing that their own names be placed thereon as nominees. Any three retired members of the fire department eligible to vote in such election may nominate in writing a candidate willing to serve from the retired members of the fire department, and any three retired members of the police department eligible to vote in such election may nominate in writing a candidate willing to serve from the retired members of the police department. Such nominations and such requests from persons entitled to vote in said election that their own names be placed in nomination on such ballot shall be filed with the city clerk or his or her designee not earlier than two weeks before the date of such election and not later than five o'clock in the afternoon of Thursday immediately preceding such election.

The candidate receiving a majority of the votes cast in an election shall hold office as such board member for a term of three years beginning on the Monday next following that election and until his or her successor is elected and he or she must accept by notifying the chairperson of the board of such acceptance. If no candidate receives a majority of the votes cast, a runoff election will be held between the two candidates receiving the highest numbers of votes. If no candidate receives a majority of the votes cast, and two or more candidates receive the same number of votes for purposes of joining the runoff election, then the chairperson of the board shall forthwith determine by lot from the persons so receiving such equal number of votes who shall be included in the runoff election.

The chief of the police department and one retired police officer selected by him or her and the chief of the fire department and one retired firefighter selected by him or her shall act as election officials in their respective departments and, on the last election day immediately after the casting of such ballots, shall canvass and count the same for their respective departments and certify in writing in duplicate the number of ballots cast and the number of ballots received by each candidate. After signing such certificates, each chief shall immediately post one copy thereof at the place of election and not later than twelve o'clock noon on the following day deliver one copy thereof together with all the ballots cast by his or her department, in a securely sealed envelope, to the chairperson of the board who shall on the day following said election in the presence of the chief of such fire department and the chief of such police department, open said envelopes, examine said certificates and ascertain and determine the total number of ballots cast at said election for each of the candidates, and shall issue certificates of election to the candidates receiving the highest number of votes

as aforesaid. In case any two candidates shall have received the same number of votes in a runoff election, so that there would be no choice under the foregoing provisions, then the chairperson of the board shall forthwith determine by lot from the persons so receiving such equal number of votes who shall be the trustee. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of such election by the officer or persons in charge thereof.

Should a vacancy occur in the position of an elected member of the board as described in 7.01(vi) or 7.01 (vii), such vacancy shall, with reasonable promptness, be filled for the unexpired term from retired members of the department in which the vacancy exists, by means of a special election.

7.04 Duties of the Board.

(a) The members of the board shall annually elect a chairperson from their number; may appoint from their number such subcommittees with such powers as they shall determine; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial, financial, and consulting services as they may require in carrying out the provisions of the plan; and may allocate among themselves or delegate to other persons all or such portion of their functions under the plan subject to proper supervision and accountability, as they, in their sole discretion, shall decide. The board shall authorize an audit of the fund to be made by an independent accountant at least once every year. The board shall authorize an actuarial study to be made of the fund at least once every other year by the plan actuary, where such study is based upon reasonable actuarial assumptions and methods as determined by the plan actuary.

(b) The board shall appoint a financial institution (which may be a bank or trust company or other financial institution) as a depository and the treasurer of the fund shall promptly deposit all money belonging to the fund or coming into his or her hands as treasurer thereof in the depository. If any of the funds are dissipated or lost by reason of the insolvency or failure of the financial institution appointed as the depository as provided herein, the dissipation or loss shall not constitute a liability on the official bond of the chief financial officer of the city and/or the treasurer of the fund nor a liability against the sureties thereon. All interest received on the deposits shall become a part of the fund.

(c) The board after considering the probable demands upon the fund, may invest such portion of it as may be safely withdrawn for

the purpose. The board may employ investment counselors and agents to invest and manage such portions of the fund as the board may direct. Of that portion of the fund which the board has determined to be available for investment, not less than forty percent (40%) shall be invested, or held for investment, in interest bearing bonds or securities of the United States of America, bonds of any state in the United States, any bonds lawfully issued by municipalities in the United States, or invested in any insured savings and loan association to the extent that such investment is insured by the Federal Savings and Loan Insurance Corporation; or invested in any commercial bank to the extent such investment is insured by the Federal Deposit Insurance Corporation; not exceeding sixty percent (60%) of the money deemed available for investment may be invested in corporate stocks and bonds. All income from investments shall be and become a part of the fund. All securities belonging to the fund shall be deposited with the treasurer of the fund, or in the event that a financial agent has been employed, may be held by the financial agent and shall be subject to the direction and control of the board.

(d) On or before the first day of February of each year, the board shall make a written report to the mayor and city council, and to the fire department and the police department in the city, of the condition of the fund as of December 31st of the preceding year.

7.05 Establishment of Rules.

Subject to the limitations of the plan, the board from time to time shall establish rules for the administration of the plan and the transaction of its business. The board shall have discretionary authority to interpret the plan and to make factual determinations (subject to 10.05), including, but not limited to, determination of an individual's eligibility for plan participation, the right and amount of any benefit payable under the plan and the date on which any individual ceases to be a member. The determination of the board as to the interpretation of the plan or any disputed question shall be conclusive and final to the extent permitted by applicable law.

7.06 Meetings.

(a) The board shall meet not less than once each month and at such other times as may be considered necessary by the chairperson or any two other members of the board. All meetings shall be upon such notice, at such place or places, and at such time or times as the board may from time to time determine. Seven members of the board shall constitute a quorum for the transaction of business. Board members must be present to vote; no proxies shall

be allowed. Each board member shall have one vote. Action shall be taken if approved by the vote of at least seven members.

(b) The board shall keep separate and adequate records of all its meetings and proceedings. The records shall be public and shall be subject to inspection during normal business hours to the extent required by Alabama law.

(c) The city shall make available to the board within one of its facilities or buildings, a conference room to be utilized by the board for the purpose of conducting its monthly or special meetings. The use of any such conference room shall be subject to reasonable advance notice to the appropriate city official and availability.

7.07 Compensation and Bonding.

No board member shall receive any compensation from the plan for his or her services as such; however, board members may be reimbursed for any actual expenses they incur on board business. No bond or other security shall be required of any board member in that capacity.

7.08 Prudent Conduct.

The members of the board shall use that degree of care, skill, prudence, and diligence that a prudent person acting in a like capacity and familiar with such matters would use in a similar situation.

7.09 Maintenance of Accounts.

The board shall maintain accounts showing the fiscal transactions of the plan and shall keep in convenient form such data as may be necessary for actuarial valuations of the plan.

7.10 Service in More Than One Fiduciary Capacity.

Any individual, entity, or group of persons may serve in more than one fiduciary capacity with respect to the plan and/or the fund.

7.11 Limitation of Liability.

The city, the board, the members of the board, and any officer, employee, or agent of the city shall not incur any liability individually or on behalf of any other individuals or on behalf of the city for any act, or failure to act, made in good faith in relation to the plan or the fund.

7.12 Indemnification.

The members of the board and the officers, the city employees, and agents of the city shall be indemnified against any and all liabilities arising by reason of any act, or failure to act, in relation to

the plan or the fund, including, without limitation, expenses reasonably incurred in the defense of any claim relating to the plan or the fund, and amounts paid in any compromise or settlement relating to the plan or the fund, except for actions or failures to act made in bad faith. The foregoing indemnification shall be from the fund.

7.13 Expenses of Administration.

Except as may be otherwise specified in this plan, all expenses that arise in connection with the administration of the plan, including, but not limited to, the compensation and other expenses and charges of any counsel, accountant, actuary specialist, or other person who has been retained by the board in connection with the administration of the plan shall be paid from the fund.

7.14 Deferred Retirement Option Plan ("DROP").

(a) A member shall become eligible for the "DROP" upon completing 25 years of service. A member eligible for the DROP can prospectively elect a "DROP period" of 1 year, 2 years, or 3 years in accordance with the rules established by the board under 7.05. The member must also make any election of options under 5.03 at the same time as electing the DROP. A member electing the DROP cannot elect the "Back DROP" under 7.15. Any death benefit payable under the plan other than the distribution of the "DROP account" shall be determined as if the member had retired on the date that the DROP was elected.

(b) Any member electing the DROP shall have his or her retirement benefit determined under the provisions of 4.01 and 4.05 in effect as of the date of such election as if the member had retired on such date, except that the adjustment made under 4.01(a)(II) and the corresponding adjustment under 4.05 shall not apply. Subsequent to the member's actual retirement, his or her benefit shall be treated in the same manner as the benefit for a retired member. All member contributions under 6.03 and city contributions under 6.05 shall continue during the DROP period.

(c) Any member who elects the DROP shall have the lesser of (i) his or her benefit as determined under 7.14(b), and (ii) the amount in effect under 4.05 at his or her retirement without the adjustment of 4.01(a)(II), but subject to an optional form of payment elected under 5.02, deposited monthly into a "DROP account" (instead of paid directly) in the member's name under the plan's fund during the DROP period. The DROP account shall be credited with interest at an annual percentage rate (APR) equal to one-half of the actuarial assumption for investment return in effect during each plan year (used for purposes of the actuarial study under 7.04(a)) compounded on a monthly basis.

(d) Any member who elects the DROP and retires no later than the end of the DROP period chosen under 7.14(a) shall elect a distribution form of his or her DROP account payable at retirement from the following options:

(I) Lump sum distribution of the balance of his or her DROP account at retirement.

(II) Distribution of the balance of his or her DROP account at retirement payable monthly over a period of 3 years, 5 years, or 10 years as selected by the member. The residual balance of his or her DROP account will continue to be credited with interest under the method prescribed in 7.14(c) during the period of distribution.

(e) Any member who elects the DROP and does not retire from active service by the end of the DROP period chosen under 7.14(a) shall (i) forfeit the balance of his or her DROP account at the end of the DROP period and not have any additional benefits deposited into the DROP account, and (ii) have his or her benefit determined at actual retirement without regard to service or salary earned during the DROP period.

(f) If a member who elects the DROP dies during the DROP period chosen under 7.14(a), the member's beneficiary shall receive the balance of the member's DROP account subject to a distribution election made by the beneficiary under 7.14(d).

(g) If a member who elects the DROP dies during the DROP period of distribution under 7.14(d), any undistributed balance of his or her DROP account shall be paid to the member's beneficiary in accordance with the member's election under 7.14(d).

(h) Any DROP election made by a member under 7.14(a) will be irrevocable unless the member subsequently becomes permanently disabled under 4.02(c). In such case, the member would be given a one-time election between (i) the disability benefit provided under 4.02 as if the DROP election had never been made, and (ii) the benefit provided under the DROP.

7.15 Retroactive DROP Plan ("Back DROP Plan").

(a) A member who retires within 90 days following the effective date of this act and who has then completed at least 26 years of service shall have the opportunity to elect a "Back DROP" Plan. A member eligible for the Back DROP can elect at his or her retirement to retroactively drop his or her service in excess of 25 years, up to a limit of 3 years (the "Back DROP period") in accordance with the rules established by the board under 7.05. A member electing the Back DROP cannot also have elected a "DROP" under 7.14.

(b) Any member electing the "Back DROP" shall have his or her retirement benefit determined under the provisions of 4.01

and 4.05 in effect as of the date of such election, except that service and salary earned during the Back DROP period shall be ignored and the adjustment made under 4.01(a)(II) and the corresponding adjustment under 4.05 shall not apply. The benefit under the "Back DROP" shall take into account any election made by the member at retirement under 5.03.

(c) Any member who elects the "Back DROP" shall have deposited into a "Back DROP account" in the member's name an amount equal to (i) the sum of benefits that would have been payable to the member during the Back DROP period, not to exceed on a monthly basis the amount in effect under 4.05 without the adjustment of 4.01(a)(ii) but subject to an optional form of payment elected under 5.02, less (ii) an amount equal to 4% of his or her pension base multiplied by the length of the Back DROP period in years and fractions thereof. The Back DROP account shall be credited with interest at an annual percentage rate (APR) equal to one-half of the actuarial assumption for investment return in effect during each plan year (used for purposes of the actuarial study under 7.04(a)) compounded on a monthly basis.

(d) Any member who elects the Back DROP shall elect a distribution form of his or her Back DROP account payable immediately at retirement from the following options:

(I) Lump sum distribution of the balance of his or her Back DROP account at retirement.

(II) Distribution of the balance of his or her Back DROP account at retirement payable monthly over a period of 3 years, 5 years, or 10 years as selected by the member. The residual balance of his or her Back DROP account will continue to be credited with interest under the method prescribed in 7.15(c) during the period of distribution.

(e) If a member who elects the Back DROP dies during the Back DROP period of distribution under 7.15(d), any undistributed balance of his or her Back DROP account shall be paid to the member's beneficiary in accordance with the member's election under 7.15(d).

Section 9. ARTICLE 8. MANAGEMENT OF FUNDS.

8.01 Transfer of Assets of Existing Pension Fund.

All assets, funds, contracts, property, and records used and employed by the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created pursuant to Act No. 328 of the Alabama Legislature of 1959 (Acts 1959, p. 907), as amended, are hereby transferred to the jurisdiction and control of the board created under the provisions of this act.

8.02. Trustee.

The board shall be the trustee of the fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. It shall have power to adopt and enforce such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this act, but shall be in conformity thereto. In addition to the powers granted to the board by the plan, the board shall have all powers granted to trustees under any Alabama statute or regulation which are necessary or desirable for it to fulfill its duties with respect to the plan, which powers are specifically incorporated by reference into this plan. The city shall have no liability for the payment of benefits under the plan nor for the administration of the funds paid over to the board.

8.03 Exclusive Benefit Rule.

Except as otherwise provided in the plan, no part of the corpus or income of the fund shall be used for, or diverted to, purposes other than for the exclusive benefit of members and beneficiaries entitled to benefits under the plan and paying plan expenses, before the satisfaction of all liabilities with respect to such members and beneficiaries. No person shall have any interest in or right to any part of the earnings of the fund, or any right in, or to, any part of the asset held under the plan, except as and to the extent expressly provided in the plan.

Section 10. ARTICLE 9. AMENDMENT, MERGER, AND TERMINATION.

9.01 Amendment of the Plan.

(a) The board reserves the right at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the plan. However, no amendment shall make it possible for any part of the fund to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the plan, before the satisfaction of all liabilities with respect to such persons.

(b) Notwithstanding the provisions of 9.01(a), any plan amendment which will affect the plan's funding (including, but not limited to, 6.03 and 6.05) or the members' benefits, other than those resolutions adopted as described in 4.05, shall require the approval of the Alabama Legislature.

9.02. Termination of Plan.

The city may terminate all or a portion of the plan with the consent of the majority of each class of the plan's members (firefighters and police officers) at the time of the termination for any reason at any time. In case of termination of the plan, the rights of members to their benefits as of the date of the termination, to the extent then funded or protected by law, if greater, shall be nonforfeitable. The fund shall be used for the exclusive benefit of persons entitled to benefits under the plan as of the date of termination, except as provided in 6.06.

9.03 Domestic Relations Orders (DRO's.).

The board shall establish procedures as needed for processing domestic relations orders that are issued pursuant to a state domestic relations law.

Section 11. ARTICLE 10. GENERAL PROVISIONS.

10.01 Nonalienation.

Except as provided in 9.03, no portion of said fund whether in cash or securities either before or after its distribution by the board to the person or persons entitled thereto under the provisions of this act shall be held, seized, taken, subjected to, detained or levied upon by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever issued out of any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary of such fund; but shall be exempt therefrom without any claim therefor. Nor shall any assignment be made of any portion of said fund or of any right to an interest therein by any beneficiary or prospective beneficiary thereof, and all such assignments or attempted assignments shall be void. Said fund shall be sacredly kept, held and distributed for the purposes named in this act, and for no other purposes, whatsoever. Neither the employment, payment of benefits to, nor the retirement of any person, nor the payment of any money into such fund by any person nor any act of the board or of the city governing body shall give right to any contractual or vested rights hereunder; but the Legislature reserves full power and right to amend, or repeal any and every provision hereof and make disposition of such fund.

10.02 Conditions of Employment Not Affected by Plan.

The establishment of the plan shall not confer any legal rights upon any police officer or firefighter or other person for a continuation of employment, nor shall it interfere with the right of the city, or Civil Service Board of the city, which right is hereby reserved, to discharge any police officer or firefighter and to treat him or her

without regard to the effect which that treatment might have upon him or her as a member or potential member of the plan.

10.03 Facility of Payment.

If the board shall find that a member or other person entitled to a benefit is unable to care for his or her affairs because of illness or accident or because he or she is a minor, the board may direct that any benefit due him or her, unless claim shall have been made for the benefit by a duly appointed legal representative, be paid to his or her spouse, a child, a parent, or other blood relative, or to a person with whom he or she resides. Any payment so made shall be a complete discharge of the liabilities of the plan for that benefit.

10.04 Information.

Each member or other person entitled to a benefit, before any benefit shall be payable to him or her or on his or her account under the plan, shall file with the board the information that it shall require to establish his or her rights and benefits under the plan.

10.05 Appeals From Board Decisions.

(a) Within 10 days after any final decision of the board, the city or any person aggrieved at the decision of the board may appeal the decision to the Circuit Court of Tuscaloosa County by filing a notice and request for an appeal with the clerk of the circuit court and serving notice of the appeal upon any member of the board. The appeal shall be heard at the earliest possible date by a judge sitting without a jury. It shall not be necessary to enter exceptions to the rulings of the board and no bond shall be required for such an appeal.

(b) The circuit court appeal shall not constitute a proceeding de novo; instead, the court shall review the board's decision using the same standard of review the court uses in deciding common law writs of certiorari.

(c) An appeal may be taken from any decision of the circuit court to the court of appeals or the Supreme Court as now provided by law, under the same standard of review applicable to the trial court.

10.06 Prevention of Escheat.

If the board cannot ascertain the whereabouts of any person to whom a payment is due under the plan, the board may, after such payment is due and prior to the funds escheating to the city or the State of Alabama under any applicable escheat laws, mail a notice of such due and owing payment to the last known address of such

person as shown on the records of the board or the city. If such person has not made written claim therefor within three months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the plan, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the plan. Upon such cancellation, the plan shall have no further liability therefore except that, in the event such person or his or her beneficiary later notifies the board of his or her whereabouts and requests the payment or payments due to him or her under the plan, such payments shall be paid to him or her in accordance with the provisions of the plan.

10.07 Severability.

The provisions of this plan are severable. If any part of the plan is declared invalid or unconstitutional, such declaration shall not affect the remaining provisions of the plan.

10.08 Construction.

(a) The plan shall be construed, regulated, and administered under the laws of the State of Alabama, except where the provisions of the Code or other applicable federal statutes control.

(b) The titles and headings of the articles and sections in this plan are for administrative convenience only. In case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

Section 12. Act 328, H. 854, 1959 Regular Session (Acts 1959, p. 907), as amended, Act 604, H. 1169, 1961 Regular Session (Acts 1961, p. 714), Act 1068, S. 940, 1973 Regular Session (Acts 1973, p. 1811), Act 80-611, H. 1108, 1980 Regular Session (Acts 1980, p. 1038), Act 86-556, S. 540, 1986 Regular Session (Acts 1986, p. 1129), Act 87-455, S. 493, 1987 Regular Session (Acts 1987, p. 684), Act 88-742, H. 93, 1988 First Special Session (Acts 1988, p. 146), Act 91-509, H. 1051, 1991 Regular Session (Acts 1991, p. 900), Act 96-390, H. 438, 1996 Regular Session (Acts 1996, p. 478), and Act 98-350, H. 889, 1998 Regular Session (Acts 1998, p. 613), are repealed.

Section 13. The retirement plan provided for in this act shall not have retroactive application.

Section 14. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:05 A.M.

Act No. 99-569

H. 379 – Rep. Hawk

AN ACT

To make an appropriation of \$250,000 from the Education Trust Fund to Constitution Hall Village in Huntsville, Alabama for the support and maintenance of a living history museum program, for the fiscal year ending September 30, 2000; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; to require quarterly and end of year reports; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$250,000 from the Education Trust Fund to Constitution Hall Village in Huntsville, Alabama for the support and maintenance of a living history museum program, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing

the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 11:26 A.M.

Act No. 99-570

H. 270 – Rep. Allen

AN ACT

To amend Sections 40-23-1 and 40-23-60, Code of Alabama 1975, relating to the state sales and use taxes, to include certain fuel gas that is a by-product of a petroleum-refining process that is used in the distillation of the petroleum products within the exemption for withdrawals.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-23-1 and 40-23-60, Code of Alabama 1975, are amended to read as follows:

“§40-23-1.

“(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

“(1) **PERSON or COMPANY.** Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(2) **DEPARTMENT.** The Department of Revenue of the State of Alabama.

“(3) **COMMISSIONER.** The Commissioner of Revenue of the State of Alabama.

“(4) **TAX YEAR or TAXABLE YEAR.** The calendar year.

“(5) **SALE or SALES.** Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. Provided, however, a transaction shall not be closed or a sale completed until the time and place when and where title is transferred by the seller or seller’s agent to the purchaser or purchaser’s agent, and for the purpose of

determining transfer of title, a common carrier or the U. S. Postal Service shall be deemed to be the agent of the seller, regardless of any F.O.B. point and regardless of who selects the method of transportation, and regardless of by whom or the method by which freight, postage, or other transportation charge is paid. Provided further that, where billed as a separate item to and paid by the purchaser, the freight, postage, or other transportation charge paid to a common carrier or the U.S. Postal Service is not a part of the selling price.

“(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included within the sales price of the property sold, or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and “gross proceeds of sales” shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. The term “gross proceeds of sale” shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from business or stock and so used or consumed with respect to which property the tax has been paid because of previous withdrawal, use, or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same, and except refinery, residue, or fuel gas, whether in a liquid or gaseous state, that has been generated by, or is otherwise a by-product of, a petroleum-refining process, which gas is then utilized in the process to generate heat or is otherwise utilized in the distillation or refining of petroleum products.

“In the case of the retail sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial mobile services as defined herein,

or in connection with satellite television services, at a price below cost, "gross proceeds of sale" shall only include the stated sales price thereof and shall not include any sales commission or rebate received by the seller as a result of the sale. As used herein, the term "commercial mobile services" shall have the same meaning as that term has in 47 U.S.C. Sections 153(n) and 332(d), as in effect from time to time.

"(7) TAXPAYER. Any person liable for taxes hereunder.

"(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included in the sales price of the property sold, or any other expenses whatsoever and without any deductions on account of losses. The term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from business or stock and so used or consumed and with respect to which property the tax has been paid because of previous withdrawal, use, or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale as provided in subdivision (9) and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same, and except refinery, residue, or fuel gas, whether in a liquid or gaseous state, that has been generated by, or is otherwise a by-product of, a petroleum-refining process, which gas is then utilized in the process to generate heat or is otherwise utilized in the distillation or refining of petroleum products.

"(9) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale.

"b. A sale of tangible personal property or products, including iron ore, and including the furnished container and label of such property or products, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which the manufacturer or compounder manufactures or compounds for sale, whether or not such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however, that it is the intent of this section that no sale of capital equipment, machinery, tools, or product shall be included in the term "wholesale sale." The term "capital equipment, machinery, tools, or product" shall mean property that is subject to depreciation allowances for Alabama income tax purposes.

"c. A sale of containers intended for one-time use only, and the labels thereof, when containers are sold without contents to persons who sell or furnish containers along with the contents placed therein for sale by persons.

"d. A sale of pallets intended for one-time use only when pallets are sold without contents to persons who sell or furnish pallets along with the contents placed thereon for sale by persons.

"e. A sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which a manufacturer or compounder markets his products.

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where containers are used for the delivery of chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of eggs even though containers used for delivery of baby chicks or eggs may be recovered for reuse.

"g. A sale of bagging and ties used in preparing cotton for market.

"h. A sale to meat packers, manufacturers, compounders, or processors of meat products of all casings used in molding or forming wieners and Vienna sausages even though casings may be recovered for reuse.

"i. A sale of commercial fish feed including concentrates, supplements, and other feed ingredients when substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis.

"j. A sale of tangible personal property to any person engaging in the business of leasing or renting tangible personal property to

others, if tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others.

"k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where parts or materials are used in repairing or reconditioning the tangible personal property of a licensed person, which tangible personal property is a part of the stock of goods of a licensed person, offered for sale by him, and not for use or consumption of a licensed person.

"(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures, or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building, or equipping a modular building ultimately becoming a part of real estate situated in the State of Alabama are retail sales, and the use, sale, or resale of building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying, or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded as provided in subdivision (9) are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use, or consumption of any tangible personal property by any one who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of previous withdrawal, use, or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale as provided in subdivision (9) and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same; and wholesale purchaser shall report and pay the taxes thereon. In the case of the sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial

mobile services as defined in subdivision (6) above, or in connection with satellite television services, at a price below cost, the term "sale at retail" and "retail sale" shall include those sales, and those sales shall not also be taxable as a withdrawal, use, or consumption of such tangible personal property.

"(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit, or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(13) PREPAID TELEPHONE CALLING CARD. A sale of a prepaid telephone calling card or a prepaid authorization number, or both, shall be deemed the sale of tangible personal property subject to the tax imposed on the sale of tangible personal property pursuant to this chapter.

"(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by manufacturer, who shall also be construed as the ultimate consumer of materials or property, and who shall be required to report transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

"(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the Department of Revenue, and has received therefrom a certificate of registration or, if a nonresident of this state purchasing lumber for resale outside the State of Alabama, has furnished to the lumber manufacturer his name,

address and the vehicle license number of the truck in which the lumber is to be transported, which name, address, and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the Department of Revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

“(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses, and other therapeutic optic devices, to a patient by a licensed ophthalmologist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. The licensed ophthalmologist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist by a supplier thereof shall be considered a retail sale subject to the state sales tax, and the supplier shall be responsible for collecting sales tax from the licensed ophthalmologist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians or optometrists shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists.

“(e) Notwithstanding the above, the withdrawal, use, or consumption of a manufactured product by the manufacturer thereof in quality control testing performed by employees or independent contractors of the taxpayer, for purposes of this division, shall not be deemed or considered to constitute a transaction subject to sales tax, nor shall a gift by the manufacturer of a manufactured product, withdrawn from the manufacturer’s inventory, to an entity listed in 26 U.S.C. Sections 170(b) or (c), be considered a transaction subject to sales tax.

“§40-23-60.

“For the purpose of this article, the following terms shall have the respective meanings ascribed to them in this section:

“(1) PERSON or COMPANY. Any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well

as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(2) DEPARTMENT. The Department of Revenue of the State of Alabama.

“(3) COMMISSIONER. The Commissioner of Revenue of the State of Alabama.

“(4) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

“a. A sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale.

“b. A sale of tangible personal property or products, including iron ore, and including the furnished container and label of such property or products, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which the manufacturer or compounder manufactures or compounds for sale, whether or not such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it become a component of the finished product; provided, however, that it is the intent of this section that no sale of capital equipment, machinery, tools, or product shall be included in the term “wholesale sale.” The term “capital equipment, machinery, tools, or product” shall mean property that is subject to depreciation allowances for Alabama income tax purposes.

“c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons.

“d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons.

“e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products.

“f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of

containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse.

“g. A sale of bagging and ties used in preparing cotton for market.

“h. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis.

“i. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others.

“j. A purchase or withdrawal of parts or materials from stock by any person licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

“k. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in moulding or forming wieners and Vienna sausages, even though such casings may be recovered for reuse.

“(5) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the State of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used

or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded as provided in subdivision (4) are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale as provided in subdivision (4); and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same, and such wholesale purchaser shall report and pay the taxes thereon; and except refinery, residue, or fuel gas, whether in a liquid or gaseous state, that has been generated by, or is otherwise a by-product of, a petroleum-refining process, which gas is then utilized in the process to generate heat or is otherwise utilized in the distillation or refining of petroleum products. The term "retail sale" or "sale at retail" shall also mean and include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

"(6) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(7) STORAGE. Any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

"(8) USE. The exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

"(9) PURCHASE. Acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the

same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

“(10) **SALES PRICE.** The total amount for which tangible personal property is sold, including any services, including transportation, that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

“(11) **IN THIS STATE or IN THE STATE.** Within the exterior limits of the State of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

“(12) **AUTOMOTIVE VEHICLE.** A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

“(13) **PREPAID TELEPHONE CALLING CARD.** A sale of a prepaid telephone calling card or a prepaid authorization number, or both, shall be deemed the sale of tangible personal property subject to the tax imposed pursuant to this chapter.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law, and shall be applied retroactively to all “open” tax years.

Approved June 18, 1999

Time: 11:27 A.M.

Act No. 99-571

H. 547 – Reps. Grantland, Carothers
and Johnson

AN ACT

Relating to wastewater; to create the Alabama Onsite Wastewater Board to examine, license, and regulate qualified persons engaged in the manufacturer, installation, servicing, or repair of onsite wastewater systems and equipment in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE.

The Alabama Onsite Wastewater Board is created to examine, license and regulate persons engaged in manufacture, installation, or servicing of onsite wastewater systems in Alabama. As more residences are built in rural areas where public sewer hookups and centralized wastewater treatment systems are often unavailable, many property owners must rely on onsite wastewater systems, such as septic systems, to handle residential waste and wastewater. The improper manufacture, installation, service, cleaning, and maintenance of onsite wastewater equipment and treatment systems can contaminate and pollute the environment and pose significant harm to public health and the rural environment. This board is created to establish the qualification levels for those engaged in the manufacture, installation, servicing, or cleaning of onsite wastewater systems and equipment in Alabama and promote the proper manufacture, installation, and servicing of onsite wastewater systems.

Section 2. DEFINITIONS.

The following terms shall have the meanings respectively ascribed to them as used in this act unless the context requires a different meaning:

(1) **ALTERNATIVE ONSITE WASTEWATER SYSTEM.** An onsite sewage wastewater system that varies from conventional onsite wastewater system equipment, methods, processes, and installation procedures in accordance with the rules and regulations of the Alabama Department of Public Health.

(2) **BOARD.** The Alabama Onsite Wastewater Board.

(3) **CONVENTIONAL ONSITE WASTEWATER SYSTEM.** An onsite wastewater system consisting of a septic tank, or an Alabama Department of Public Health approved pretreatment device, with effluent discharging into a subsurface effluent disposal medium, where all portions of the effluent disposal field side-walls are installed below the elevation of undisturbed native soil.

(4) **GOOD STANDING WITH LOCAL HEALTH AUTHORITIES or OFFICIALS.** A person in good standing with local health authorities or officials shall have had no substantiated complaints filed against him or her with the local health authorities or officials regarding the person's work in the onsite wastewater industry; and who is known by the local health authorities or officials to be a person who abides by the rules and regulations of the Alabama Department of Public Health.

(5) **INDIVIDUAL.** A human person.

(6) **INSTALLATION.** The act of installing a conventional or alternative onsite wastewater system.

(7) **LICENSE.** A valid and current certificate of qualification issued by the board which shall give the named person to whom it is issued authority to engage in the specialized area and level of qualification described thereon.

(8) **LICENSEE.** A qualified individual holding a license issued by this board.

(9) **LICENSING PROCEDURE.** The process of testing at the state level to determine the knowledge and skill of an individual with respect to onsite wastewater systems, and the issuing of licenses to indicate that an individual has passed the examinations and met all other board-established qualifications for licensure.

(10) **LOCAL HEALTH AUTHORITY OR OFFICIALS.** The county health department in the county or counties in which a licensee performs work in or is engaged in the manufacture, installation, cleaning, servicing or maintenance of onsite wastewater systems or equipment.

(11) **MANUFACTURER.** Person engaged in the production of septic tanks or receptacle equipment used in onsite wastewater systems.

(12) **ONSITE WASTEWATER SYSTEM.** Any system of piping, treatment devices, pumps, alarms, or other facilities or devices that carry or convey, store, treat or dispose of sewage (human waste) on the property where it originates, or on adjacent property, where the system is not connected to a public sewer.

(13) **RESPONSIBLE CHARGE.** The direction or supervision, or both, of projects involving the manufacture, installation, cleaning, servicing, repairing, or maintaining onsite wastewater equipment or systems.

(14) **SERVICING.** The act of cleaning, maintaining, repairing, or pumping waste from an installed onsite wastewater system.

Section 3. ALABAMA ONSITE WASTEWATER BOARD.

(a) There is established the Alabama Onsite Wastewater Board. The board shall consist of nine members who shall, at the time of appointment and so long as they shall hold appointment hereunder, be residents and citizens of Alabama. The initial appointments to the board shall be effective October 1, 1999, with required licensing beginning January 2000, or as soon as possible thereafter. Of the nine members of the board, three members shall

be appointed by the Governor, three members shall be appointed by the Lieutenant Governor, and three members shall be appointed by the Speaker of the House of Representatives of the Alabama Legislature.

(b) Of the three members appointed by the Governor, one shall be actively engaged in the business of installing onsite wastewater systems and shall serve an initial term of two years. One member appointed by the Governor shall be actively engaged in the business of manufacturing septic tanks and shall serve an initial term of two years. One member appointed by the Governor shall be actively engaged in the business of pumping, servicing, or maintaining onsite wastewater equipment and shall serve an initial term of three years. All three of the initial appointees shall: Hold a current voluntary certification from the Alabama Department of Public Health or have ownership in a business employing a designated person in a position of responsible charge holding such a certificate, subsequent appointees to these positions on the board shall be licensees of the board or have ownership in a business employing a designated licensee in a position of responsible charge; have been involved in their respective business for five consecutive years; and be in good standing with their local county health authorities and the Alabama Department of Public Health. The appointments by the Governor shall be made from a list of recommendations submitted by the governing board of the Alabama Onsite Wastewater Association, which list of recommendations will include three individuals recommended for each board position.

(c) (1) Of the three members appointed by the Lieutenant Governor, one member shall be actively engaged in the business of manufacturing septic tanks and shall serve an initial term of four years; and one member shall be actively engaged in the business of installing onsite wastewater systems and shall serve an initial term of four years. These two initial appointees shall: Hold a current voluntary certification from the Alabama Department of Public Health or have ownership in a business employing a designated person in a position of responsible charge holding such a certificate, subsequent appointees to these positions on the board shall be licensees of the board or have ownership in a business employing a designated licensee in a position of responsible charge; have been involved in their respective business for five consecutive years; and be in good standing with their local county health authorities and the Alabama Department of Public Health. The two appointments by the Lieutenant Governor shall be made from a list of recommendations submitted by the governing board of the Alabama Onsite Wastewater Association, which list of recommendations will include three individuals for each board position.

(2) The Lieutenant Governor shall appoint a member actively engaged in the development of a training or educational program or instruction in environmental protection, preferably experienced in the area of wastewater industry, and this member shall serve an initial term of three years. The member shall: Have a minimum of six years' experience in the stated area of educational expertise; be in good standing with his or her professional or regulating boards; and possess a reputation of high standards within the academic community.

(d) (1) Of the three members appointed by the Speaker of the Alabama House of Representatives one member shall: Be an environmental engineer with training in the onsite wastewater industry; be experienced in and have an understanding of the design and construction of onsite wastewater systems; and be in good standing with the Alabama Board of Registration for Professional Engineers and Land Surveyors. The member shall serve an initial term of four years and shall be appointed from a list of three recommendations provided by the Alabama Board of Registration for Professional Engineers and Land Surveyors.

(2) The Speaker of the House shall appoint one member who has been actively involved for a minimum of three years in the onsite wastewater inspection process and the regulation of onsite wastewater systems, and shall be employed by a local county health department or the Alabama Department of Public Health. The member shall serve an initial term of four years.

(3) The Speaker of the House shall appoint a member who is a consumer who will represent the public at large and who has an interest in the onsite wastewater industry. The consumer member shall not be engaged in or otherwise connected with any person or firm or corporation or business dealing with the onsite wastewater industry and shall serve an initial term of four years.

(e) Board members shall serve until their successors are appointed. Their successors, who shall be appointed by the same respective appointing authorities and who shall possess the same respective qualifications as stated above for the initial appointees, shall each serve not more than two consecutive terms of office, but each member shall serve until his or her successor is appointed. The membership of the board shall be inclusive and the appointing authorities shall consider the racial, gender, geographic urban/rural, and economic diversity of the state in making their appointments.

(f) If an appointment of a member to the board is to be made from a list of three recommendations from an association, organization, or other board, this list of recommendations must be submitted to the appointing person at least 30 days prior to the expiration of the current board member's term.

Section 4. MEETINGS, COMPENSATION, EXPENSES OF THE BOARD.

(a) Within 30 days after annual appointment of new members, the board shall meet for the purpose of organizing, electing new officers, and transacting such business as deemed necessary. This organizational meeting shall not be considered a regular quarterly meeting of the board.

(b) The board shall meet at least four times a year on a quarterly basis with the board designating the months of the meetings for the coming year at its annual organizational meeting. Regular meetings shall be called by the chair who shall designate the time and place of each regular meeting. The chair or a majority of the members of the board may also call a special meeting of the board.

(c) The board member shall be given at least 10 days' notice of regular meetings and a minimum of five days' notice for special meetings. The executive director shall give notice of any meeting to the media as considered appropriate under the circumstances.

(d) A quorum of the board shall consist of not less than five of the duly appointed members.

(e) Any motion passed by the board requires a majority of those members present.

(f) The members of the board shall receive a per diem as recommended by the board consistent with applicable state laws for attending sessions of the board and for time spent in necessary travel to attend meetings of the board. In addition, each member shall be reimbursed for related travel expenses at the same rate as state employees receive, all to be paid from fees collected and deposited in the board fund.

Section 5. OFFICERS, EXECUTIVE DIRECTOR, AND ADMINISTRATION OF THE BOARD.

(a) At its annual organizational meeting the board shall elect from its members a chair, vice-chair, and a secretary/treasurer for a one-year term of office. No board member shall serve more than three consecutive one-year terms in any one office. The chair shall exercise general supervision of the board's affairs, preside at all meetings, appoint committees, and perform all duties pertaining to the office. The vice-chair, in the absence of the chair, shall perform the duties of the chair. The secretary/treasurer shall perform duties as designated by the board.

(b) The board shall select and employ an executive director who shall serve at the pleasure of the board and who shall be

responsible for the administration of board policies. The executive director shall be responsible for employing and supervising other support personnel as directed by the board. The executive director shall be designated as the agent for the board for service of legal process upon the board, act as its recording and corresponding secretary, have custody of and safeguard and keep in good order all property and records of the board, sign all instruments and matters that require approval of the board, and perform all duties as the board may assign or delegate.

(c) The records maintained by the board shall include, without limitation, all of the following:

(1) A permanent record of all license applications, whether accepted or rejected, and supporting documentation and information.

(2) A permanent record of all examination results.

(3) A permanent record of all licenses issued; a permanent record of all investigative, enforcement, and disciplinary actions taken by the board.

(4) All other evidence of the important business of the board.

(d) The executive director may issue a license in accordance with the standards established by the board.

(e) All correspondence to the board, including submission of applications for licenses and requests for information should be made to the executive director at the board's office in Montgomery, Alabama.

(f) The board may employ other full or part-time administrative staff, including an administrative assistant and clerical support or others who shall work under the direction and supervision of the executive director.

(g) All board administrative staff, including the executive director, shall be entitled to reimbursement for authorized travel and travel related expenses at the same rate state employees receive for in-state and out-of-state travel. Authorized travel in a board employee's personal automobile shall be reimbursed at the same rate per mile as paid to state employees.

(h) The chair and executive director shall, before entering the duties of their offices, make and file with the Secretary of State an official bond in the sum of five thousand dollars (\$5,000) unless covered by the state blanket bond. The appropriate premiums on the bonds shall be paid out of the funds of the board. The bonds shall be executed by an approved bonding fidelity or guaranty company qualified to do business in Alabama and acceptable to the Secretary of State.

Section 6. FUNDING AND FINANCIAL ADMINISTRATION OF THE BOARD.

(a) There is hereby established a separate special fund in the State Treasury to be known as the "Alabama Onsite Wastewater Board Fund." All receipts and monies collected under this act shall be deposited in the fund and used only to carry out the provisions of this act. The fund shall be disbursed only by warrant of the State Comptroller upon the State Treasury upon itemized vouchers approved by the executive director. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, Code of Alabama 1975, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriation bill or other appropriation bills.

(b) Notwithstanding subsection (a), there is hereby appropriated from the State General Fund to the Alabama Onsite wastewater Board Fund for the fiscal year ending September 30, 2000, the sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary to implement this act. Provided further, that any funds unspent and unencumbered at the end of that fiscal year in excess of 25 percent of the funds spent by the board in the fiscal year ending September 30, 2000, shall be transferred into the State General Fund. In addition, the Alabama Onsite Wastewater Board shall repay the amount necessary to reimburse the State General Fund for any and all amounts expended from the State General Fund and such repayment to the State General Fund shall be made as soon as funds are available for such repayment.

(c) Any funds unspent and unencumbered at the end of each fiscal year that exceed 25 percent of the board's budget for the previous fiscal year shall be transferred to the State General Fund.

Section 7. DUTIES AND AUTHORITY OF THE BOARD.

(a) The duties of this board shall include, but not be limited to the following:

(1) Establish procedures and qualifications for the licensure of individuals engaged in the manufacture, installation, servicing, repair, or maintenance of onsite wastewater systems and equipment installed in Alabama and issue such licenses to those individuals who qualify for licensure.

(2) Approve all training required for any license or license renewal under this act and the board shall approve and administer any examination required for specialized areas and levels of qualification of licensing under this act.

(3) Establish the dates, times, and locations for all license examinations including at least three examination dates each year.

(4) Accept and process applications from individuals meeting the board-established qualifications for licenses and the renewal of licenses and collect necessary fees according to the schedule of fees established by the board.

(5) Provide written notification to a candidate of the candidate's examination results and provide information regarding the procedures required to complete the license process including bond information and local health department fees.

(6) Accept annual license renewal applications, and approve required continuing education and required documentation for license renewal.

(7) Maintain a complete up-to-date roster of licensees at least three times each calendar year.

(8) Establish a complaint process and the confidential procedures to investigate alleged violations as set forth in this act; establish disciplinary procedures including suspension or revocation of licenses; establish an appeals process; and notify the Alabama Department of Public Health and the appropriate local health departments of any disciplinary action taken by the board. Any member of the board or duly appointed representative designated by the board may administer oaths and take testimony concerning all matters within the jurisdiction of the board.

(9) Reinstate a revoked or suspended license if the holder of the revoked or suspended license meets specific requirements established by the board and the reinstatement is approved by a majority of the board.

(10) Oversee all financial, business, and administrative matters necessary to carry out the operation of this board including, but not limited to, accepting fees, paying bills, salaries, expenses, and refunds, and any other action deemed appropriate to conduct business pertinent to its operation.

(11) Hire and set compensation for an executive director who shall be responsible for the administrative functions of the board.

(12) Adopt a seal for its use containing the words "Alabama Onsite Wastewater Board."

Section 8. ANNUAL REPORT OF BOARD.

The board shall annually submit to the Governor a report of its transactions for the preceding fiscal year, and file a copy of the report with the Secretary of State and the State Division of Records and Reports.

Section 9. RULES AND REGULATIONS.

The board may adopt and issue rules and regulations necessary to carry out this act, subject to the Alabama Administrative Procedure Act, Chapter 22 of Title 41, Code of Alabama 1975.

Section 10. EXEMPTIONS.

The licensing requirements of this act shall not apply to owners of property acting as their own contractors for the purpose of installing, cleaning, servicing or maintaining an onsite wastewater system on their own property with a one-family or two-family residence used for their own occupancy or use so long as the owners of said property with an onsite wastewater system do not hire or compensate anyone to supervise or perform any part of the installation, cleaning, servicing or maintenance of the onsite wastewater system or equipment located on their property.

Section 11. FEES.

The board may establish and charge reasonable fees for the processing of all applications, administration of examinations, issuance of all active and inactive licenses, license renewals, license restoration and replacement, supplying information to applicants, licensees, and the general public, and any and all other required board procedures and related activities. A fee schedule shall be developed by the board and adopted as a rule, and all fees shall be commensurate with the cost of fulfilling the duties of the board as defined in this act.

Section 12. LICENSES.

(a) The board shall initially establish the following types of licenses:

(1) A basic level license for the installation, cleaning, servicing, repairing, or maintenance of a conventional onsite wastewater system.

(2) An advanced level license for the installation, cleaning, servicing, repairing, or maintenance of an alternative onsite wastewater system.

(3) A manufacturer's license for those involved in the manufacture of onsite wastewater septic tanks and receptacles.

(b) A person shall first obtain a basic level license before qualifying for an advanced level license. Additional areas of qualification and license levels may be established by the board based on future evaluations of industry needs and technology advancements.

(c) Licenses issued by the board shall be recognized as evidence of qualification and knowledge of the licensee by the Alabama Department of Public Health and county or local health authorities, and no other additional level of qualification or certification or other requirement shall be required by the Alabama Department of Public Health or any county or local health authorities for those

persons engaged in the manufacture, installation, or servicing of onsite of onsite wastewater systems.

(d) A license shall be issued for the current calendar year and the license shall be valid only for that calendar year. All licenses shall expire on December 31 of each calendar year.

(e) No individual, business, partnership or corporation shall engage in the manufacture, installation, servicing, cleaning, or maintenance of an onsite wastewater system installed in the state of Alabama unless the individual, or the person in responsible charge for the business, partnership or corporation, has received the required specific license from the board. Persons engaged in the installation or servicing of onsite wastewater systems shall obtain a basic level license for conventional onsite wastewater systems or an advanced level license for alternative onsite wastewater systems. All manufacturers of onsite wastewater septic tanks or receptacles for onsite wastewater systems shall qualify and obtain a manufacturer's license. Licenses issued under this act shall be granted to individuals meeting the criteria for qualification as established by this board. The licensee shall perform no work outside the level of competency stated on the certificate of license. An individual may be licensed in all areas of eligibility.

(f) No individual, business, partnership, or corporation shall advertise, solicit, bid, obtain permit, conduct business, or perform the function of manufacturing, installing, cleaning, servicing, repairing, or maintaining onsite wastewater equipment or systems in Alabama unless the person or persons in responsible charge are licensed as defined in this act.

(g) No official charged with the duty of issuing business licenses to any individual, partnership, corporation, or other business entity to operate a business performing the function of manufacturing, installing, cleaning, servicing, repairing, or maintaining onsite wastewater equipment or systems in Alabama shall issue such a business license unless there is presented for inspection a license certificate as provided herein issued by the board to the individual or to some person in responsible charge with the partnership, corporation, or business entity.

(h) No license shall be issued except to an individual. A firm, partnership, association, or corporation shall not be licensed. Partnerships, corporations, or other business entities shall designate the licensed individual in responsible charge under whose name its business is to operate to the local business licensing authority, the board, and the local health officials. If that designated person ceases to be employed by the business entity, notice shall be made immediately to the board and the local health officials. The

partnership or corporation shall then have 45 days to re-designate a licensed individual responsible for work performed by the business entity. During this 45-day period, no work shall be initiated by the business entity without the knowledge and approval of local health officials. Any work performed during this time shall be inspected by local health officials and approved by the officials before being considered complete and put into operation. Under special circumstances, a business entity engaged in the manufacture of septic tanks can petition the board for an extension of time beyond the 45-day period to re-designate a licensed individual in a position of responsible charge under whose manufacturer's license the business is to operate. Under no condition may this extension of time extend more than three weeks past the date of the next examination offered by the board for manufacturer's license.

(i) License certificates suitable for framing, bearing the licensee's name, level and type of license, license number, and the calendar year in which the license is valid shall be issued to all qualified licensees. Every licensee holding a license issued by the board shall display it in a conspicuous manner at his or her principal place of business.

(j) All licensees shall abide by all federal, state, and local laws and ordinances. No license issued by the board may be sold or transferred. Any license misused may be revoked by the board.

(k) Every licensee shall notify the board of the address of his or her place of business, the counties in which he or she does business or performs work, and the name under which the business is carried on. Licensees shall give immediate notice to the board of any change in this information.

Section 13. FORM OF APPLICATION FOR LICENSES, EXAMINATIONS, AND LICENSE RENEWALS.

(a) All applicants for licenses, examinations, or license renewals shall be required to complete specific application forms developed and provided by the board. Information required to be provided on license application forms shall include, but not be limited to the following:

(1) The applicant's name, date of birth, social security number, residence address, telephone number, and county of residence.

(2) The name of the applicant's employer, or the name of the applicant's business, including the business address and telephone number of the employer or applicant's business.

(3) Names of all counties in which the applicant intends to perform work in the onsite wastewater industry.

(4) Names and addresses of character references.

(5) Details of the applicant's business experience, details of the applicant's work experience, and classroom training in the areas of requested licensing.

(6) A signed statement from an official from the applicant's county health department stating that the applicant is in good standing with the local or county health department.

(b) Application forms may also require any information deemed by the board to be significant in evaluating the qualifications of an applicant for license, examination, or license renewal.

(c) All required fees and documentation shall accompany any application form filed with the board.

(d) The board shall approve or deny all applications for licenses, and check applications for accuracy and completeness. The board shall notify the candidate of his or her acceptance as a candidate for licensure and advise him or her of the date and location of the next scheduled examination for the requested license.

Section 14. ELIGIBILITY REQUIREMENTS FOR LICENSE APPLICATION.

(a) The board shall develop eligibility requirements to be met by applicants seeking licensing by the board. The minimum application requirements shall include, but are not limited to, the applicant's:

(1) Character.

(2) Business experience.

(3) Work experience in the requested area of licensure.

(4) Completion of training requirements as established by the board.

(5) Successful completion of the required examination.

(6) Evidence of bond.

(b) The board shall develop the qualifications and requirements relating to the manufacturer's license, which shall include, but not be limited to:

(1) Completion of classroom instruction.

(2) Successful completion of required examination.

(3) Passing an inspection of the manufacturing plant by a member of the board or some other person designated by the board to perform manufacturing plant inspections.

(c) Any plant holding a current manufacturing certification issued by the National Precast Concrete Association shall be considered to have sufficiently met the plant inspection requirement.

Section 15. REQUIREMENTS OF EXAMINATION, AREAS AND LEVELS OF QUALIFICATION.

(a) No license shall be issued by the board without examination of the applicant for the purpose of ascertaining his or her qualifications for such work, except those licenses issued pursuant to the Grandfathering Provisions of this act. No examination shall be required for the timely annual renewal of a current license.

(b) The board shall offer and provide examinations which test the knowledge, skill, and qualifications of the applicants.

(c) The board may charge each applicant a reasonable fee for the examination based on the actual costs of administering the examinations.

(d) The board shall establish dates and locations for a minimum of three separate examinations each calendar year.

(e) Written notices of examination dates and locations shall be provided at least 30 days in advance of each scheduled examination to all qualified candidates who have filed an application with the board.

(f) The board shall establish the minimum examination grade necessary for successful completion of an examination.

(g) The board shall develop or approve two separate and specific examinations to test the knowledge and qualifications of those applicants for basic level license and advanced level licenses as follows:

(1) The basic level license examination shall test the knowledge and qualifications of applicants seeking a license to install, clean, service, repair, or maintain conventional onsite wastewater systems.

(2) The advanced level license examination shall test the knowledge and qualifications of applicants seeking a license to install, clean, service, repair, or maintain alternative onsite wastewater systems.

(h) A person shall first obtain a basic level license before qualifying to take the examination for an advanced level license.

(i) The board shall develop a specialized examination to test the qualifications of those applicants seeking a manufacturer's license.

(j) The board shall develop or approve any other additional examinations as may be necessary for additional areas of qualification and

license levels as may be established by the board to meet industry requirements and technological advancements in the onsite wastewater industry.

(k) Examinations shall be administered by the executive director or persons designated by the board. Any national standardized examination which the board may approve, or any other examination developed under the direction of the board, or any combination thereof, may be administered to applicants to test their knowledge and qualifications. The board shall establish the level of achievement as shall be required for a passing grade for examinations.

(l) Written examination results shall be provided within 14 days of taking the examination. Successful candidates shall also be informed of the procedures required to complete the license process. Any person who fails an examination may, upon reapplication and payment of required fees, take the examination when offered by the board.

(m) The executive director shall provide to the Alabama Department of Public Health and the appropriate local health authorities a list of all candidates who successfully qualify for a license within 14 days following the date the license is issued by the board.

Section 16. BOND REQUIREMENT FOR LICENSEES.

In order to assure financial stability and professional competence and performance of licensees, all licensees, without exception, are required to be bonded for any work performed under the license. Minimum amounts for required bonds shall be established by the board and evidence of bond shall be provided to the board before any license will be issued. In no event may the minimum required bond amounts set by the board be less than fifteen thousand dollars (\$15,000) for a basic level license, or a manufacturer's license, and thirty thousand dollars (\$30,000) for an advanced level license.

Section 17. GRANDFATHERING PROVISIONS.

Any individual with a current voluntary certification issued no later than December 31, 1999, by the Alabama Department of Public Health, who is in good standing with his or her appropriate local health authorities, and who provides evidence of required bond shall be deemed to have satisfied the requirements and qualifications for a basic level license if application is made prior to December 31, of the first year in which licenses are issued by the board. After December 31, of that first year for licensure, individuals not currently licensed will be required to follow the requirements for license application, including completing required training and successfully passing any required examination.

Section 18. ANNUAL RENEWAL OF LICENSE.

(a) A license is only valid during the calendar year indicated on the license. At the end of that calendar year, the license will expire unless it is renewed by the licensee. All licensees shall make application for license renewal at least 30 days prior to the expiration of current license.

(b) Specific license renewal application forms and license renewal requirements shall be developed by the board. License renewal requirements shall include, but not be limited to, continuing education and training requirements for each level and type of license and evidence of adequate bond. The license renewal application form shall be accompanied by all required documentation and renewal fees. The board shall verify that the renewal applicant is a current licensee who is eligible for renewal before issuing a new license.

(c) Failure to meet renewal requirements shall result in expiration and revocation of license. Upon expiration of license, the licensee's name will be removed from the board's official list and the Alabama Department of Public Health and the appropriate local health authorities will be notified of the license expiration. A license which has expired for failure to renew may only be restored within one year from the date of expiration after application and payment of the license restoration fee established by the board. Any license which has not been restored within one year following its expiration may not be renewed, restored, or reissued, and the holder may apply for and obtain a new license only upon compliance with all qualifications and requirements for the issuance of a new license.

Section 19. INACTIVE LICENSE.

The board shall formulate rules and criteria under which an applicant may request an inactive license and determine circumstances when a license may become inactive by state or local health department request. The board shall develop a standard official definition of an inactive license in the formulation of the board's rules and regulations.

Section 20. REPLACEMENT LICENSES.

The board shall issue a replacement to a licensee who shows upon application that the current license has been lost, destroyed, or stolen or if the licensee's name has been changed by marriage or court order. An application for a replacement license shall be accompanied by all required fees.

Section 21. REVOCATION AND SUSPENSION OF LICENSE.

(a) The board shall establish criteria for circumstances warranting the suspension or revocation of a license and establish the procedures for suspension or revocation of licenses. These circumstances shall include, but not be limited to, the following:

(1) Obtaining a license under false pretense.

(2) Obtaining a license by having another person take the examination.

(3) Allowing another person to use the license in violation of the regulations of this board.

(4) Selling or conveying the license to another person.

(5) Failure to timely renew a license.

(6) Failure to follow the rules and regulations of the State of Alabama Department of Public Health or the appropriate local health department or authorities.

(7) Committing a dishonest, illegal, or grossly negligent act in the performance of work covered under the license.

(b) The board shall take appropriate action to enforce the rules adopted with regard to license suspension or revocation.

Section 22. COMPLAINT AND REGULATION PROCEDURES.

The board shall establish procedures to process, review and investigate reports and complaints of fraud, incompetence, misconduct, gross negligence, and dishonest or illegal acts of licensees in the performance of work covered under licenses of this board; and complaints supported by evidence shall be reviewed at a disciplinary hearing, which hearing shall be conducted in compliance with the provisions of the Alabama Administrative Procedure Act and held before the board. The board shall establish the procedures for such disciplinary hearings. A member of the board who has a conflict of interest concerning the parties involved or issues involved in the disciplinary hearing shall recuse himself or herself from the hearing and the disciplinary proceeding.

The board, upon its findings, may suspend or revoke the individual's license.

Section 23. REINSTATEMENT OF LICENSE.

This board shall determine the procedure to be followed for reinstatement of a suspended or revoked license. The procedures shall include, but not be limited to, application to the board for reinstatement, hearing before the board, correction of the problem causing

the board's action in suspending or revoking the license, recommendations for reinstatement from the appropriate health department regulators, payment of levied fines or fees, completion of any education classes determined to be needed by the individual to aid in assuring no recurrence of the violation, and a published apology.

Section 24. APPEAL PROCEDURE.

After revocation or suspension of license, the licensee may, within 10 days of notice of the board's order and finding, file with the board a written notice of his or her intent to appeal the order of the board. Appeals from orders of the board shall be filed with the circuit court in the county of residence of the licensee, or if the licensee is from out of state, with the Circuit Court of Montgomery County, Alabama, for a determination by the court as to whether the decision of the board is supported by a preponderance of the evidence. If the court finds that the decision of the board is supported by evidence, it shall affirm the board's action.

Section 25. PENALTIES AND INJUNCTIONS.

(a) Any person who undertakes or attempts to undertake the business of manufacturing, installing, servicing, cleaning, repairing or maintaining any onsite wastewater system or equipment without first having obtained and having possession of a current, valid license from the board or who knowingly presents or files false information from the board for the purpose of obtaining a license or otherwise fraudulently obtains a license, or who knowingly violates any provision of this act regulating the onsite wastewater industry shall be guilty of a Class C misdemeanor.

(b) Whenever it appears to the board that an individual has violated or is about to violate this act, it may in its own name petition the circuit court of the county where the violation is occurring or is about to occur to issue a temporary restraining order or other appropriate injunctive relief enjoining the violation.

Section 26. The operations of the board shall terminate October 1, 2003, and every fourth year thereafter unless continued in accordance with the Alabama Sunset Law.

Section 27. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 28. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:28 A.M.

Act No. 99-572

H. 425 – Reps. Fuller and Knight

AN ACT

To repeal Sections 15-20-20.1 to 15-20-24, inclusive, Code of Alabama 1975; to add new code sections to further provide for the Community Notification Act; to establish a separate section for juveniles.

Be It Enacted by the Legislature of Alabama:

Section 1. Code Sections 15-20-20.1 to 15-20-24, inclusive, Code of Alabama 1975, are hereby repealed.

Section 2. The Legislature finds that the danger of recidivism posed by criminal sex offenders and that the protection of the public from these offenders is a paramount concern or interest to government. The Legislature further finds that law enforcement agencies' efforts to protect their communities, conduct investigations, and quickly apprehend criminal sex offenders are impaired by the lack of information about criminal sex offenders who live within their jurisdiction and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend, and prosecute criminal sex offenders.

The system of registering criminal sex offenders is a proper exercise of the state's police power regulating present and ongoing conduct. Comprehensive registration and periodic address verification will provide law enforcement with additional information critical to preventing sexual victimization and to resolving incidents involving sexual abuse and exploitation promptly. It will allow them to alert the public when necessary for the continued protection of the community.

Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in safety and in the effective operation of government. In balancing offender's due process and other rights, and the interests of public security, the Legislature finds that releasing information about criminal sex offenders to law enforcement agencies and, providing access to or releasing such information about criminal sex offenders to the general public, will further the primary government interest of protecting vulnerable populations and in some instances the public, from potential harm. The legislature further finds that residency and employment restrictions for criminal sex offenders provide additional protections to vulnerable segments of the public such as schools and child care facilities.

Juvenile sex offenders, like their adult counterparts, pose a danger to the public. Research has shown, however, that there are significant

differences between adult and juvenile criminal sexual offenders. Juveniles are much more likely to respond favorably to sexual offender treatment. Juvenile offenders have a shorter history of committing sexual offenses. They are less likely to have deviant sexual arousal patterns and are not as practiced in avoiding responsibility for their abusive behavior. Juveniles are dependent upon adults for food and shelter, as well as the emotional and practical support vital to treatment efforts. Earlier intervention increases the opportunity for success in teaching juveniles how to reduce their risk of sexually re-offending. The Legislature finds juvenile criminal sex offenders should be subject to the Community Notification Act, but that certain precautions should be taken to target the juveniles that pose the more serious threats to the public.

Therefore, the state policy is to assist local law enforcement agencies' efforts to protect their communities by requiring criminal sex offenders to register, record their address of residence, to be photographed, fingerprinted, to authorize the release of necessary and relevant information about criminal sex offenders to the public, to mandate residency and employment restrictions upon criminal sex offenders, and to provide certain discretion to judges for application of these requirements as provided in this act.

Section 3. The following sections are created as follows:

§15-20-21.

For purposes of this article, the following words shall have the following meanings:

(1) **ADULT CRIMINAL SEX OFFENDER.** A person convicted of a criminal sex offense.

(2) **CHILD CARE FACILITY.** A licensed daycare center, a licensed child care facility, or any other child care service that is exempt from licensing pursuant to Section 38-7-3, Code of Alabama 1975.

(3) **COMMUNITY NOTIFICATION FLYER.** This notification shall include the following information on the criminal sex offender: Name; actual living address; sex; date of birth; complete physical description, including distinguishing features such as scars, birth marks, or any identifying physical characteristics; and a current photograph. This notification shall also include a statement of the criminal sex offense for which he or she has been convicted, including the age and gender of the victim, the geographic area where the offense occurred, and the date upon which the criminal sex offender will be released. This notification shall also include a statement that the same information is on file at the sheriff's office and police headquarters, if a police department has jurisdiction over the criminal sex offender's residence, and that the

information will be available to the general public for inspection and identification purposes during regular business hours.

(4) **CRIMINAL SEX OFFENSE.** Any of the following offenses:

a. Rape in the first or second degree, as proscribed by Section 13A-6-61 or 13A-6-62; provided that a sentencing court may exempt from this article a juvenile or youthful offender criminal sex offender for a criminal sex offense as defined in Section 13A-6-62(a)(1).

b. Sodomy in the first or second degree, as proscribed by Section 13A-6-63 or 13A-6-64.

c. Sexual torture, as proscribed by Section 13A-6-65.1.

d. Sexual abuse in the first or second degree as proscribed by Section 13A-6-66 or 13A-6-67.

e. Enticing a child to enter a vehicle, room, house, office, or other place for immoral purposes, as proscribed by Section 13A-6-69.

f. Promoting prostitution in the first or second degree, as proscribed by Section 13A-12-111 or 13A-12-112.

g. Violation of the Alabama Child Pornography Act, as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196, or 13A-12-197.

h. Kidnapping of a minor, except by a parent, in the first or second degree, as proscribed by Section 13A-6-43 or Section 13A-6-44.

i. Incest, as proscribed by Section 13A-13-3, when the offender is an adult and the victim is a minor.

j. Soliciting a child by computer for the purposes of committing a sexual act and transmitting obscene material to a child by computer as proscribed by Sections 13A-6-110 and 13A-6-111.

k. Any solicitation, attempt, or conspiracy to commit any of the offenses listed in paragraphs a. to j., inclusive.

l. Any crime committed in any state or a federal, military, Indian, or a foreign country jurisdiction which, if it had been committed in this state under the current provisions of law, would constitute an offense listed in paragraphs a. to k., inclusive.

(5) **JUVENILE CRIMINAL SEX OFFENDER.** An individual adjudicated delinquent of a criminal sex offense.

(6) **RELEASE.** Release from a state prison, county jail, or municipal jail, or release or discharge from the custody of the Department of Youth Services or other juvenile detention, or

placement on probation or parole or aftercare, or placement into any facility or treatment program that allows the offender to have unsupervised access to the public.

(7) **RESPONSIBLE AGENCY.** The person or government entity whose duty it is to obtain information from a criminal sex offender before release and to transmit that information to police departments or sheriffs responsible for providing community notification. For a criminal sex offender being released from state prison, the responsible agency is the Department of Corrections. For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county. For a criminal sex offender being released from a municipal jail, the responsible agency is the police department of that municipality. For a criminal sex offender being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court. For a criminal sex offender being released from the Department of Youth Services, the responsible agency is the Department of Youth Services. For a criminal sex offender who is being released from a jurisdiction outside this state and who is to reside in this state, the responsible agency is the Department of Public Safety.

(8) **RISK ASSESSMENT.** A written report on the assessment of risk for sexually re-offending conducted by a sexual treatment program approved by the Department of Youth Services. The report shall include, but not be limited to, the following regarding the criminal sex offender: criminal history, mental status, attitude, previous sexual offender treatment and response to treatment, social factors, conditions of release expected to minimize risk of sexual re-offending, and characteristics of the criminal sex offense.

(9) **SCHOOL.** A licensed or accredited public or private school, or church school, that offers instruction in grades K-12. This definition shall not include private residences in which students are taught by parents or tutors.

(10) **SENTENCING COURT.** The court of conviction or the court that determines sentence as a result of conviction or adjudication.

(11) **YOUTHFUL OFFENDER CRIMINAL SEX OFFENDER.** An individual adjudicated a youthful offender for a criminal sex offense.

§15-20-22.

(a) Thirty days prior to the release of an adult criminal sex offender having been incarcerated or treated as the result of a conviction for a criminal sex offense, the following shall apply:

(1) The responsible agency shall require the adult criminal sex offender to declare in writing the actual living address at which he or she will reside upon release. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A misdemeanor.

(2) If the adult criminal sex offender declares his or her intent to reside outside of the state, the responsible agency shall, within five business days of the written declaration required by this article, notify the Director of the Department of Public Safety, the Attorney General, or the designated state law enforcement agency of the state to which the adult criminal sex offender has declared his or her intent to move, and shall also notify the Alabama Criminal Justice Information Center. The notification shall include all information available to the responsible agency which would be necessary to identify and trace the adult criminal sex offender, including, but not limited to, each sex offense history or pre-sentence investigation of the sex offense, fingerprints, and a current photograph of the adult criminal sex offender.

(3) If the adult criminal sex offender declares his or her intent to reside within this state, the responsible agency shall, within five business days of the written declaration, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the adult criminal sex offender intends to reside, the chief of police of any municipality in which the adult criminal sex offender intends to reside, and the Alabama Criminal Justice Information Center. The notification shall include all information available to the responsible agency which would be necessary to identify and trace the adult criminal sex offender, including, but not limited to, each sex offense history or pre-sentence investigation of the sex offense, fingerprints, and a current photograph of the criminal sex offender.

(4) The Alabama Criminal Justice Information Center shall be responsible for notifying the Federal Bureau of Investigation with sex offender information upon receiving this information from the responsible agency.

(b) If a sentencing court does not impose a sentence of incarceration upon conviction of the adult criminal sex offender for a criminal sex offense, notification shall be provided by the responsible agency in accordance with subsection (a) within 24 hours of release.

(c) Prior to release, every adult criminal sex offender convicted for a criminal sex offense shall submit to the probation officer or sheriff a DNA sample that will be sent to the Department of Forensic Sciences. An adult criminal sex offender who intentionally fails to provide a DNA sample shall be guilty of a Class C felony.

§15-20-23.

(a) If an adult criminal sex offender intends to transfer his or her legal residence to a different location, he or she shall submit a notice of intent to move to the sheriff of the county and the chief of police of the municipality in which he or she resides, and to the sheriff of the county and chief of police of the municipality to which he or she plans to move if such are different, at least 30 days prior to moving to the new location. The notice of intent to move shall be on a form developed by the Department of Public Safety provided by the sheriff and shall include all the information required by this article for community notification. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A misdemeanor.

(b) Notwithstanding other provisions of law regarding establishment of residence, an adult criminal sex offender shall be deemed to have established a new residence:

(1) Whenever that adult criminal sex offender is domiciled for five consecutive days or more.

(2) Whenever that adult criminal sex offender is domiciled following his or her release from a period of incarceration imposed as a result of a conviction for a criminal sex offense, regardless of whether that criminal sex offender has been domiciled at the same location prior to the time of conviction.

§15-20-24.

(a) Sixty days after an adult criminal sex offender's most current release and, except during ensuing periods of incarceration, thereafter on the anniversary date of an adult criminal sex offender's birthday occurring more than 90 days after the release, the Department of Public Safety shall mail a non-forwardable verification form to the address of the adult criminal sex offender. The sheriff, or chief of police where applicable, where the adult criminal sex offender resides shall be notified of the pending verification and whether the verification form was received by the adult criminal sex offender.

(b) Within 10 days of the receipt of the verification form, the adult criminal sex offender shall present in person the completed verification form to the sheriff, or chief of police where applicable, who shall obtain fingerprints and a photograph of the adult criminal sex offender. The verification form shall be signed by the adult criminal sex offender and shall state that the adult criminal sex offender still resides at that address and that the adult criminal sex offender is in compliance with the residence restrictions established in this article.

(c) Within 30 days of the annual date of an adult criminal sex offender's address verification, the Department of Public Safety shall, in accordance with guidelines promulgated by the Department of Public Safety, receive from the appropriate sheriff or chief of police verification of the adult criminal sex offender's address. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individuals.

(d) An adult criminal sex offender who fails to present in person a completed verification form to the sheriff, or chief of police where applicable, within 10 days, or knowingly fails to permit law enforcement personnel to obtain fingerprints or a photograph shall be guilty of a Class C felony.

§15-20-25.

(a) Within five business days after the responsible agency provides notice of a release or intent to transfer residence of any adult criminal sex offender, the following procedures shall apply:

(1) In the cities of Birmingham, Mobile, Huntsville, and Montgomery, the Chief of Police shall notify all persons who have a legal residence within 1,000 feet of the declared residence of the adult criminal sex offender and all schools and child care facilities within three miles of the declared residence of the adult criminal sex offender that the criminal sex offender will be establishing his or her residence.

(2) In all other cities in Alabama with a resident population of 5,000 or more, the chief of police, or if none then the sheriff of the county, shall notify all persons who have a legal residence within 1,500 feet of the declared residence of the adult criminal sex offender and all schools and child care facilities within three miles of the declared residence of the adult criminal sex offender, that the adult criminal sex offender will be establishing his or her residence.

(3) In all other municipalities with a resident population of less than 5,000, and in all unincorporated areas, the sheriff of the county in which the adult criminal sex offender intends to reside shall notify all persons who have a legal residence within 2,000 feet of the declared residence of the adult criminal sex offender, and all schools and child care facilities within three miles of the declared residence of the adult criminal sex offender, that the adult criminal sex offender will be establishing his or her residence.

(b) A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section. In addition, any other method reasonably expected to provide notification may be utilized, including, but not limited to, posting a

copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released criminal sex offender, publicizing the notice in a local newspaper, or posting electronically, including the Internet, or other means available.

(c) Nothing in this article shall be construed as prohibiting the Department of Public Safety, a sheriff, or a chief of police from providing community notification under the provisions of this act electronically or by publication or periodically to persons whose legal residence is more than the applicable distance from the residence of an adult criminal sex offender.

§15-20-26.

(a) Unless otherwise exempted by law, no adult criminal sex offender shall be allowed to establish a residence or accept employment within 1,000 feet of the property on which any school or child care facility is located.

(b) Unless otherwise exempted by law, no adult criminal sex offender shall be allowed to establish a residence or any other living accommodation within 1,000 feet of the property on which any of his or her former victims, or the victims' immediate family members reside.

(c) No adult criminal sex offender shall be allowed to establish a residence or any other living accommodation where a minor resides. Notwithstanding the foregoing, an adult criminal sex offender may reside with a minor if the adult criminal sex offender is the parent of the minor, unless one of the following conditions applies:

(1) The adult criminal sex offender's parental rights have been or are in the process of being terminated as provided by law.

(2) Any minor or adult child of the adult criminal sex offender was a victim of a criminal sex offense committed by the adult criminal sex offender.

(d) No adult criminal sex offender shall be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim.

(e) Changes to property within 1,000 feet of an adult criminal sex offender's registered address which occur after an adult criminal sex offender establishes residency or accepts employment shall not form the basis for finding that a criminal sex offender is in violation of the residence or employment restrictions of this article.

(f) An adult criminal sex offender who knowingly violates the provisions of this section shall be guilty of a Class C felony.

§15-20-27.

Upon adjudication of delinquency for a criminal sex offense, a juvenile criminal sex offender shall be required to receive sex offender treatment by a licensed sex offender treatment program and submit to the probation officer or sheriff a DNA sample that shall be sent to the Department of Forensics Sciences.

§15-20-28.

(a) Sixty days prior to the projected release of a juvenile criminal sex offender, the treatment provider shall provide a risk assessment of the juvenile to the sentencing court and the juvenile probation officer.

(b) Upon receiving the risk assessment, the juvenile probation officer shall immediately notify the state, and either the parent, guardian or custodian of juvenile criminal sex offender, or attorney for the juvenile criminal sex offender, of the pending release and provide them with the risk assessment.

(c) Unless otherwise ordered by the sentencing court, the juvenile criminal sex offender shall not be subject to notification upon release.

(d) Within thirty days of receiving the risk assessment, the state may petition the court to apply notification.

(e) No juvenile criminal sex offender shall be removed from the supervision of the court until such time as the juvenile criminal sex offender has completed treatment, the treatment provider has filed a risk assessment with the court, and the state has had an opportunity to file a petition to apply notification.

(f) Upon receiving a petition to apply notification, the sentencing court shall conduct a hearing on the risk of the juvenile criminal sex offender to the community. The sentencing court may deny the petition or grant the petition based upon, but not limited to, the following factors relevant to the risk of re-offense:

(1) Conditions of release that minimize risk of re-offense, including but not limited to whether the offender is under supervision of probation or parole; receiving counseling, therapy or treatment; or residing in a home situation that provides guidance and supervision.

(2) Physical conditions that minimize risk of re-offense, including but not limited to advanced age or debilitating illness.

(3) Criminal history factors indicative of high risk of re-offense, including whether the offender's conduct was found to be characterized by repetitive and compulsive behavior.

(4) Other criminal history factors to be considered in determining risk, including:

a. The relationship between the offender and the victim.

b. Whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury.

c. The number, date and nature of prior offenses.

(5) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(6) The offender's response to treatment.

(7) Recent behavior, including behavior while confined or while under supervision in the community as well as behavior in the community following service of sentence.

(8) Recent threats against persons or expressions of intent to commit additional crimes.

(g) If the court determines there is a need for notification, the level of notification to be applied shall be as follows:

(1) If the risk of re-offense is low, notification that the juvenile criminal sex offender will be establishing his or her residence shall be provided to the principal of the school where the juvenile criminal sex offender will attend after release. This notification shall include the offender's name, actual living address, date of birth, and a statement of the criminal sex offense for which he or she has been adjudicated delinquent, including the age and gender of the victim. This information shall be considered confidential by the school and be shared only with the teachers and staff with supervision over the juvenile criminal sex offender. Whomever, except as specifically provided herein, directly or indirectly discloses or makes use of or knowingly permits the use of information concerning a child described on these subsections, upon conviction thereof, shall be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

(2) If the risk of re-offense is moderate, notification that the criminal sex offender will be establishing his or her residence shall be provided to all schools and child care facilities within three miles of the declared residence of the juvenile criminal sex offender. A community notification flyer shall be made by regular mail or hand delivered to all schools or child care facilities as required by this

subsection. A flyer shall also be on file with the sheriff in the county of residence and made available for public inspection. No other method may be used to disseminate this information.

(3) If the risk of re-offense is high, the public shall receive notification as though juvenile criminal sex offender were an adult in accordance with Section 15-20-25.

(h) The determination of notification by the sentencing court shall not be subject to appeal.

§15-20-29.

(a) Prior to release of the juvenile criminal sex offender, the following shall apply:

(1) The responsible agency shall require the parent, custodian, or guardian of the juvenile criminal sex offender to declare in writing the actual living address at which the juvenile criminal sex offender will reside upon release. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A misdemeanor.

(2) If the parent, guardian or custodian of the juvenile criminal sex offender declares an address outside of the state, the responsible agency shall, within five business days of the written declaration required by this article, notify the Director of the Department of Public Safety, the Attorney General, or the designated state law enforcement agency of the state to which the parent, guardian or custodian of the juvenile criminal sex offender has declared the actual living address. The notification shall include all information available to the responsible agency that would be necessary to identify and trace the juvenile criminal sex offender, including, but not limited to, the risk assessment and a current photograph of the juvenile criminal sex offender.

(3) If the parent, guardian or custodian of the juvenile criminal sex offender declares an address within this state, the responsible agency shall, within five business days of the written declaration, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the parent, guardian or custodian of the juvenile criminal sex offender has declared the actual living address, and the chief of police of any municipality in which parent, guardian or custodian of the juvenile criminal sex offender has declared the actual living address. The notification shall include all information available to the responsible agency that would be necessary to identify and trace the juvenile criminal sex offender, including, but not limited to, the risk assessment and a current photograph of the juvenile criminal sex offender.

(b) If the parent, custodian, or guardian of a juvenile criminal sex offender intends to transfer the residence of the juvenile criminal sex offender, or the custody of the juvenile criminal sex offender is changed to a different parent or guardian resulting in a transfer of residence, the original parent or guardian in custody shall declare in writing the actual living address of the intended new residence for the juvenile criminal sex offender and provide this information to the sheriff for the current residence at least 14 days prior to moving to the new location. The sheriff shall transfer the information to the Department of Public Safety and the sheriff of the county to which the adult criminal sex offender intends to move or the chief of police. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A misdemeanor.

(c) When a juvenile criminal sex offender becomes the age of majority, the parent, guardian or custodian of the juvenile criminal sex offender shall no longer be subject to the requirements under subsections (a) and (b), and the juvenile criminal sex offender shall instead be subject to Section 15-20-22 or Section 15-20-23 as though he were an adult criminal sex offender. Community notification, however, shall be allowed, unless so ordered by the sentencing court.

§15-20-30.

(a) Sixty days after a juvenile criminal sex offender's most current release and, except during ensuing periods of incarceration, thereafter on the anniversary date of a juvenile criminal sex offender's birthday occurring more than 90 days after the release, the Department of Public Safety shall mail a non-forwardable verification form to the address of the juvenile criminal sex offender addressed to the parent, guardian, or custodian of the juvenile criminal sex offender. The sheriff, or chief of police where applicable, where the juvenile criminal sex offender resides shall be notified of the pending verification and whether the verification form was received by the parent, guardian, or custodian of the juvenile criminal sex offender.

(b) Within 10 days of the receipt of the verification form, the parent, guardian or custodian of the juvenile criminal sex offender, accompanied by the juvenile criminal sex offender, shall present in person the completed verification form to the sheriff, or chief of police where applicable, who shall obtain fingerprints and a photograph of the juvenile criminal sex offender. The verification form shall be signed by the parent, guardian or custodian of the juvenile criminal sex offender and shall state that the juvenile criminal sex offender still resides at that address.

(c) Within 30 days of the annual date of the juvenile criminal sex offender's address verification, the Department of Public Safety shall, in accordance with guidelines promulgated by the

Department of Public Safety, receive from the appropriate sheriff or chief of police verification of the juvenile criminal sex offender's address. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individuals.

(d) A parent, guardian or custodian of a juvenile criminal sex offender who fails to present in person a completed verification form to the sheriff, or chief of police where applicable, within 10 days, or knowingly fails to permit law enforcement personnel to obtain fingerprints or a photograph of the juvenile criminal sex offender shall have committed a Class C felony.

§15-20-31.

For the purposes of this act, if a youthful offender criminal sex offender has not been previously adjudicated for a criminal sex offense, he or she shall be considered a juvenile criminal sex offender. If a youthful offender criminal sex offender has been previously adjudicated or convicted of a criminal sex offense, he or she shall be treated as an adult criminal sex offender.

§15-20-32.

In the case in which any criminal sex offender escapes from a state or local correctional facility, juvenile detention facility or any other facility that would permit unsupervised access to the public, the responsible agency shall, within 24 hours, notify the Department of Public Safety, the sheriff and the chief of police having had jurisdiction at the times of the criminal sex offense conviction or adjudication, informing such of the name and aliases of the criminal sex offender, of time remaining to be served, if any, on the full term for which the criminal sex offender was incarcerated, and the nature of the crime for which he or she was sentenced, transmitting at the same time a copy of such criminal sex offender's fingerprints and current photograph and a summary of his or her criminal record.

§15-20-33.

(a) Any adult criminal sex offender shall be subject to this act for a period of twenty-five years from the date of release, unless he or she has been convicted on more than one occasion for a criminal sex offense or convicted of a criminal sex offense involving multiple victims, in which case the adult criminal sex offender shall never be exempt from this act.

(b) A juvenile criminal sex offender, whether having been incarcerated or not, who resides within this state, shall be subject to this act for a period of ten years from the last date of release. A juvenile criminal sex offender who is subsequently convicted as an adult criminal sex offender within the ten year period shall be considered solely an adult criminal sex offender.

(c) Any adult criminal sex offender convicted prior to the implementation of this act shall be exempt from the notification and residency provisions unless he or she establishes a new residence.

(d) Nothing in the act shall preclude any criminal sex offender from registering in accordance with Section 13A-11-200; however, such registration unless otherwise proscribed by this article does not trigger public notification.

§15-20-34.

(a) Any notice provided to the community pursuant to this article shall not contain the name or any other information identifying the victim.

(b) If the last known address of a victim is in the State of Alabama, the responsible agency shall notify the Attorney General's Office of Victim Assistance and they shall send a notice to the victim that the criminal sex offender will be released and the location at which the criminal sex offender intends to reside.

The Board of Pardons and Paroles shall furnish the Attorney General's Office of Victim Assistance with any victim information for victims whose offenders are subject to this Act.

§15-20-35.

(a) The responsible agency shall cooperate with the Director of the Department of Public Safety in a reasonable manner that enables the Department of Public Safety to prepare a criminal sex offender release notification form, designed by the Department of Public Safety.

(b) The information collected or maintained by the Department of Public Safety, sheriff, or police department under this article shall be used to track the locations and movements of criminal sex offenders in this state and shall be disclosed to any of the following:

(1) Federal, state, and local criminal justice agencies for law enforcement purposes and community notification in accordance with Section 15-20-22 or another state's similar provision.

(2) Federal, state, and local governmental agencies responsible for conducting employment-related confidential background checks.

(c) The information in subsection (b) may be made available through the Alabama Criminal Justice Information Center network and the NCIC network for criminal justice purposes only.

§15-20-36.

No criminal sex offender shall be allowed to change his or her name unless the change is incident to a change in the marital status of the criminal sex offender or is necessary to effect the exercise of religion of the criminal sex offender. Such a change must be reported

to the sheriff of the county in which the criminal sex offender resides within 30 days of the effective date of the change. If the criminal sex offender is subject to the notification provision of this act, the reporting of a name change under this section shall invoke notification.

§15-20-37.

Nothing in this article shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this article or the failure to perform any duty imposed by this article.

Section 4. All laws or parts of laws that conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of this act or the application of such part to any person or circumstance is declared invalid or unconstitutional, that declaration shall affect neither the part that remains nor the application of such parts to any person.

Section 6. This act shall become effective on the first day of the third month following the month of its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 18, 1999

Time: 11:29 A.M.

Act No. 99-573

H. 435 – Rep. Millican

AN ACT

To amend Section 12-21-146, Code of Alabama 1975, relating to witness', depositions, and testimony in civil actions, to include a licensed podiatrist within the definition of physician for purposes of deposition testimony in civil actions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-21-146, Code of Alabama 1975, is amended to read as follows:

“§12-21-146.

“(a) For the purpose of the use of deposition testimony in any court proceeding in any civil action, the term “physician” as used in the Alabama Rules of Civil Procedure or otherwise shall include any licensed Doctor of Chiropractic and any licensed podiatrist.

“(b) The provisions of this section are supplemental and shall not be construed to repeal any law not in direct conflict with this section.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:30 A.M.

Act No. 99-574

H. 736 – Rep. Newton (C)

AN ACT

To amend Section 22-52-90, Code of Alabama 1975, relating to definitions to further define, State Department of Mental Health and Mental Retardation facility and Commissioner; to amend Section 22-52-92, Code of Alabama 1975, to further provide for the procedures for placing a person alleged to be mentally ill in temporary custody and to authorize the judge of probate of the county to enter into an agreement with the department for use of beds at a department mental health facility in lieu of a county mental health facility when county facilities are not available.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 22-52-90 and 22-52-92, Code of Alabama 1975, are amended to read as follows:

“§22-52-90.

“As used in this article, the following words and phrases shall have the following meanings:

“(1) **DESIGNATED MENTAL HEALTH FACILITY.** A mental health facility other than a state mental health facility designated by the State Department of Mental Health and Mental Retardation to receive persons for evaluation, examination, admission, detention, or treatment pursuant to the commitment process.

“(2) **COMMUNITY MENTAL HEALTH OFFICER.** A person who acts as a liaison between law enforcement and the general public, and who is regularly employed by a municipality within the county or regularly employed by the county commission or any public body or agency, including the State Department of Mental Health and Mental Retardation. A community mental health officer may be employed jointly or in combination by two or more governments, entities, or agencies authorized by the immediately preceding sentence. Notwithstanding the foregoing, a community mental health officer shall not be an employee of the Department of Human Resources. A community mental health officer shall possess a minimum of a Bachelor's Degree from an accredited college or university in social work or a related field or, with the approval pursuant to findings of the judge of probate, any equivalent combination of education and experience; at least one year of experience

in social work; knowledge of the principles, practices, and techniques of social work as they apply to crisis intervention; knowledge of theory, principles, and practices of psychiatric social work; knowledge of federal, state, and municipal laws regarding the aiding of mental patients; and knowledge of the functions and resources of public and private social agencies in the community. The compensation of the community mental health officer shall be determined by the employing entity, entities, or agency. The State Department of Mental Health and Mental Retardation may pay part or all of the compensation, including fringe benefits, of the community mental health officer employed hereunder.

“(3) COUNTY. A county in the State of Alabama.

“(4) LAW ENFORCEMENT OFFICER. A policeman regularly employed by a municipality within the county or a sheriff or deputy sheriff regularly employed by the county.

“(5) WITHIN THE COUNTY. A place within the boundaries of the county.

“(6) STATE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION FACILITY. A mental health facility operated by the State Department of Mental Health and Mental Retardation and designated by the commissioner to have beds available to receive persons for evaluation, examination, admission, detention, or treatment for the purposes of carrying out the provisions of this article.

“(7) COMMISSIONER. Commissioner of the State Department of Mental Health and Mental Retardation.

“§22-52-92.

“(a) This article shall not be applicable to any county unless and until the judge of probate with the approval of the county commission of that particular county makes a finding that there exists in the county provisions for implementation of the community mental health officer program and the necessary facilities to detain persons pursuant to this article. In that event, the judge of probate shall open a case under a docket number and enter therein findings upon the records of the court which shall also expressly state the intention thereby to invoke this article. Notification and a copy of the court's findings and statement shall be served on all designated mental health facilities located within the county, all law enforcement agencies within the county, the Commissioner of the State Department of Mental Health and Mental Retardation, the State Attorney General, the Secretary of State, the Governor of the State of Alabama, and any other persons deemed appropriate by the judge of probate. In the event of changed circumstances, the

judge of probate may terminate the procedures set forth in Section 22-52-91, and shall make findings accordingly and serve the parties named herein and others previously notified.

“(b) Notwithstanding anything in this article to the contrary, in the event there are no facilities available in the county to serve as a designated mental health facility, the county commission, upon recommendation of the judge of probate, of that county may enter into an agreement with the State Department of Mental Health and Mental Retardation to use beds in a State Department of Mental Health and Mental Retardation facility in lieu of a designated mental health facility. The commissioner shall have the final decision to determine the number of beds, if any, in a State Department of Mental Health and Mental Retardation facility that may be made available to the counties under this section. This subsection may not be used by or be applicable to any county unless and until the judge of probate makes a finding that there are no facilities available in the county for implementation of the community mental health officer program, that there is an agreement between the probate court and the State Department of Mental Health and Mental Retardation to make beds in a State Department of Mental Health and Mental Retardation facility available, and that there is an alternative procedure other than jail or prison, adopted by the probate court that will be used when beds are not available in a State Department of Mental Health and Mental Retardation facility. If this subsection is used to implement the community mental health officer program, then the law enforcement officer shall deliver the person directly to the State Department of Mental Health and Mental Retardation, or as directed by the community mental health officer when a bed is not available in a State Department of Mental Health and Mental Retardation facility. Thereafter, all other procedures set forth in this article for operation of the community mental health officer program shall apply the same as if the person was delivered to a designated mental health facility.

“(c) Notwithstanding any provision in this article to the contrary, a petition for commitment filed pursuant to Section 22-52-91 and subsequent proceedings held to determine probable cause and final hearings on the merits shall be in the probate court of the county where the respondent was initially taken into custody by law enforcement.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-575

H. 45 – Rep. Graham

AN ACT

To make a conditional appropriation of \$2,500,000 from the State General Fund to the Boys and Girls Clubs of Alabama for the support, maintenance, and enhancement of 23 Alabama boys and girls club organizations, for the fiscal year ending September 30, 2000; to provide for the conditions under which the appropriation is to be released; to require an operations plan and an audited financial statement prior to the release of any funds; and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated the sum of \$2,500,000 from the State General Fund to the Boys and Girls Clubs of Alabama, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the director of finance, and the approval of the Governor, for the support, maintenance and enhancement of 23 Alabama boys and girls club organizations, for the fiscal year ending September 30, 2000. The Governor may not release any portion of this conditional appropriation unless and until all appropriations from the State General Fund that are contingent solely on a statutory remedy to the loss of taxes to the state as a result of the U.S. Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S.Ct. 1180) are released in full. Funds appropriated in this act shall be used for drug, alcohol and teen pregnancy prevention, after school tutorial classes, leadership programs for teens, conflict resolution, violence prevention, and family support, including job readiness and training.

Section 2. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Section 41-19-10, Code of Alabama 1975.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that no funds appropriated for fiscal year 1999-2000 by this act shall be released by the director of finance prior to receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1999-2000 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Section 41-19-11, Code of Alabama 1975.

Section 4. The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. This act shall become effective October 1, 1999.

Approved June 18, 1999

Time: 11:31 A.M.

Act No. 99-576

H. 251 – Rep. Guin

AN ACT

Reopening the Teachers' Retirement System to permit purchase of credit in the system for certain prior service rendered to the Southeastern Education Laboratory Program of Auburn University.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any active and contributing member of the Teachers' Retirement System may claim and purchase service credit in the system not to exceed two years for prior service as a full-time employee of the Southeastern Educational Laboratory Program of Auburn University for the period of time between September 1, 1967, and March 31, 1969. The certification of prior service claimed under this section shall conform to applicable administrative rules and procedures of the Teachers' Retirement System. Members shall receive credit for the prior service when they remit to the system the contributions required by subsection (b). No member shall receive credit for any service that the member is already credited with in the system or any other public retirement plan, with the exception of the federal Social Security program.

(b) Any member who is eligible to purchase service credit pursuant to subsection (a) shall pay to the Secretary-Treasurer of the system, within one year from the effective date of this act, for the claimed service, the full actuarially determined cost for each year of claimed service as determined by the system's actuary.

Section 2. This act shall become effective on October 1, 1999, following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-577

H. 709 – Rep. Hubbard

AN ACT

Relating to any Class 6 municipality; to further provide for the annexation pursuant to Chapter 42 of Title 11, Code of Alabama 1975, of land or territory contiguous to land or territory owned by a public university when the land or territory owned by the university is contiguous to the municipality notwithstanding the fact that the land or territory to be annexed is not contiguous to the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provision of law, any Class 6 municipality may annex land or territory pursuant to the provisions of Chapter 42 of Title 11, Code of Alabama 1975, provided the land or territory is contiguous to land or territory owned by a public university when the land or territory owned by the university is contiguous to the municipality notwithstanding the fact that the land or territory to be annexed is not contiguous to the municipality. Nothing in this section shall affect the status of property owned by the university.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-578

H. 49 – Rep. Graham

AN ACT

To amend Section 16-1-18.1, Code of Alabama 1975, relating to leave for education employees, to provide further as to applicable employees and to establish further provisions regarding leave for employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-1-18.1, Code of Alabama 1975, is amended to read as follows:

“§16-1-18.1.

“(a) Definitions. - When used in this section, the following terms shall have the following meanings, respectively:

“(1) **EMPLOYEE.** Any person employed full time as provided by law by those employers enumerated in this section; and adult bus drivers.

“(2) **EMPLOYER.** All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama School of Mathematics and Science; for purposes of subsection (c) only, the Alabama State Senate, the Lieutenant Governor, the Speaker of the House of Representatives, the Alabama House of Representatives, the Legislative Reference Service; any organization participating in the Teachers’ Retirement System (excluding any state governmental department not listed herein); and, the State Board of Education as applied to two-year postsecondary education institutions.

“(3) **EXECUTIVE OFFICER.** The superintendent of any public county school system or any public city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science; the Secretary of the Senate, the Clerk of the House of Representatives, the Lieutenant Governor; the Speaker of the House of Representatives; the chief executive officer of any other employer as provided in this section.

“(4) **SICK LEAVE.** The absence from duty by an employee as a result of any of the following:

“a. Personal illness or doctor’s quarantine.

“b. Incapacitating personal injury.

“c. Attendance upon an ill member of the employee’s immediate family (parent, spouse, child, sibling); or an individual with a close personal tie.

"d. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle or aunt).

"e. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

"(5) ON-THE-JOB-INJURY. Any accident or injury to the employee occurring during the performance of duties or when directed or requested by the employer to be on the property of the employer which prevents the employee from working or returning to his or her job.

"(b) Sick leave for employees.

"(1) EARNINGS. - The employee shall earn one sick leave day per month of employment.

"(2) REASONS FOR TAKING SICK LEAVE. - The employee shall be allowed and authorized to take sick leave for any of the reasons so enumerated and defined in this section.

"(3) EMPLOYEE PAY WHILE ON SICK LEAVE. - Reimbursement of pay for the employee per day of sick leave shall be at the daily rate of pay for the employee.

"(c) Sick leave accumulation and transfers. - An employee shall be allowed to accumulate sick leave up to 225 days. Earned sick leave days which have been accrued by an employee shall be transferrable from one employer to another up to the maximum number of 225 days. The executive officer of the employer shall take care to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment. All of the earned and unused sick leave days which an employee has accumulated shall be transferred to the new employer for use by the employee as provided by law.

"(d) On-the-job injury. - The following regulations, procedures, and rights are established pertaining to employees who are injured while on the job:

"(1) NOTICE OF INJURY. - The employee shall make proper notification of the injury to the executive officer (or to the principal of the school, if applicable), within 24 hours after the injury occurred or where the employee is not clinically able to make notification, it shall be permissible for another person who is reasonably knowledgeable to make the notification of the injury. Other notification procedures and forms shall be as established by written policy of the employer.

“(2) PHYSICIAN CERTIFICATION. - The employer may require medical certification from the employee’s physician that the employee was injured and cannot return to work as a result of the injury. The executive officer may, at his or her discretion, require a second opinion from another physician at the expense of the employer. The employer may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work. A uniform physician certification form shall be adopted by the State Board of Education and distributed to each executive officer.

“(3) SALARY CONTINUED. - Upon determination by the executive officer that an employee has been injured on the job and cannot return to work as a result of the injury, the salary and fringe benefits of the employee shall be continued for a period of up to ninety (90) working days consistent with the employee’s injury and the subsequent absence from work resulting from the injury. This provision shall apply to the temporary disability of the employee as applicable to the job-related injury.

“(4) EXTENSION OF DAYS. - The employer may adopt a written policy to extend the 90-day sick leave period for on-the-job injuries. Additional job-injury policies may be adopted by the employer if the policies do not conflict with the section.

“(5) REIMBURSEMENT TO EMPLOYER. - Any reasonable on-the-job injury costs incurred by the employer (to hire a substitute) per absent injured employee in a fiscal year shall be reimbursed to the employer by the state during the next succeeding fiscal year upon application by the employer to the appropriate State Board of Education department on a form adopted by the state board (not to exceed 90 work days). The department shall subsequently submit the request to the Legislature as a line-item in its budget request for reimbursement to the employer, and, if approved by the Legislature, shall reimburse the employer at the amount per day for sick leave authorized and funded in the annual budget act for public schools and colleges.

“(6) EMPLOYEE’S SICK LEAVE. - Sick leave shall not be deducted from the employee’s account if absence from work is found to be a result of an on-the-job injury as provided in this section.

“(7) ADDITIONAL EXPENSES. - Any unreimbursed medical expenses and costs which the employee incurs as a result of an on-the-job injury may be filed for reimbursement with the State Board of Adjustment. Reimbursement to the employee shall be determined by the Board of Adjustment’s policies, rules, and regulations which may be adopted from time to time. The Board of Adjustment shall adopt appropriate rules, regulations, and forms for submission by the employee.

“(8) The executive officer or his or her designee shall inform the employee who is injured on the job of his or her rights about appearing before the Board of Adjustment and also about applicable written policies within thirty (30) calendar days of notification of the injury.

“(e) Vacations and leaves of absences. - The employer shall have the authority, under the rules and regulations promulgated from time to time by the State Board of Education, to provide for paid leaves of absences and vacations for its employees. Payment may be from public funds. The employer may provide for leaves of absence during the times the schools are, or are not, in session when the teacher or employee devotes the leave to instructing in or attending schools for appropriate training, or when approved by the State Board of Education as beneficial to the state’s educational objectives. The employer may also provide for the payment of any full-time teachers or employees for absences during the time schools are in session when the absence results from an unavoidable cause which prevents the teacher or employee from discharging his or her duties. Pay for the absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one scholastic year.

“(f) POSTSECONDARY ANNUAL LEAVE. As applied to post-secondary employers, any employee who earns and accumulates annual leave shall be entitled to accumulate up to 60 days of annual leave at a rate not to exceed that in the policy established by the State Board of Education.

“(g) POLICIES. The policies and procedures required and permitted by this section shall be adopted by the employer consistent with and as required by Section 16-1-30.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-579

H. 9 – Rep. Clark

AN ACT

To amend Sections 9-16-2, 9-16-5, 9-16-7, 9-16-8, and 9-16-12, Code of Alabama 1975, relating to the surface mining of minerals, to include new definitions; to authorize the Department of Industrial Relations to require certain information from applicants seeking permits to engage in surface mining operations; to prescribe criteria for denying permits; to further establish limits on surface mining operations; to modify requirements for grading and revegetating lands after mining; to authorize qualified reclamation inspectors to make inspections for bond releases; and to authorize the use of bond forfeiture proceeds on other affected lands.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The Alabama Legislature has found and determined the following:

(1) A 1991 United States Department of the Interior audit report warned that the Non-Fuel Minerals Mining Law of Alabama is outdated and that mine operators are deliberately laying waste to mined land rather than restoring it.

(2) The standards for coal mining reclamation have improved dramatically over the last 25 years.

(3) The citizens of Alabama are endangered by unreclaimed highwalls, water impoundments, and open pits.

(b) In view of these findings, the Legislature deems it necessary to deny the issuance of surface mine permits to operators who have demonstrated a pattern of willfully violating the mining law, and to improve environmental controls by requiring that highwalls be backfilled after mining.

Section 2. Sections 9-16-2, 9-16-5, 9-16-7, 9-16-8, and 9-16-12, Code of Alabama 1975, are amended to read as follows:

“§9-16-2.

“Unless clearly indicated otherwise by the context, as used in this act, the following terms have the following meanings:

“(1) **AFFECTED LAND.** The area of land from which overburden has been removed or upon which overburden has been deposited after October 1, 1970.

“(2) **CONTEMPORANEOUS.** Occurring at the same time as a surface mining operation and in conjunction with the grading activities at the site.

“(3) **CONTIGUOUS.** In actual contact, touching, as contrasted with being near but not in contact.

“(4) **DEPARTMENT.** The Department of Industrial Relations of the State of Alabama or any department, bureau, or commission as may lawfully succeed to the powers and duties of the department relating to mining operations.

“(5) **DIRECT SEEDING.** The planting of seeds by hand sowing, machine sowing, or aerial seeding.

“(6) **DIRECTOR.** Director of the department or officer, bureau, or commission as may lawfully succeed to the powers and duties of the director.

"(7) **HIGHWALL.** The unexcavated face of exposed overburden or mineral in an opencast mine or the face or bank on the uphill side of a contour surface mine excavation.

"(8) **INSPECTOR.** Any authorized employee of the department under the direction of the director.

"(9) **OPERATOR.** Any person, firm, partnership, association, or corporation engaged in or controlling one or more surface mining operations.

"(10) **OVERBURDEN.** All of the earth and other materials which lie above natural deposits of clay, sand, gravel, ores, and other minerals except limestone, marble, and dolomite, and also the earth and other materials disturbed from their natural state in the process of surface mining.

"(11) **PEAK.** A projected point of overburden created in the process of surface mining.

"(12) **PERMIT PERIOD.** A one-year period commencing on the issuance of a permit to engage in surface mining.

"(13) **PERSON.** Any natural person, firm, corporation, association, partnership, joint venture, or representative of any kind or any other group acting as a unit.

"(14) **PIT.** A tract of land from which overburden has been or is being removed for the purpose of surface mining.

"(15) **RECLAMATION.** The reconditioning or rehabilitation of affected land in accordance with the requirements of this article.

"(16) **REFUSE.** All waste material, exclusive of overburden, directly connected with the mining, cleaning, or preparation of substances mined by surface mining.

"(17) **RIDGE.** A lengthened elevation of overburden created in the process of surface mining.

"(18) **SETBACK.** An undisturbed buffer strip adjacent to watercourses, lakes, easements, adjoining property, perimeter property lines, road rights-of-way, residences, or other features which could be adversely affected by mining.

"(19) **SURFACE MINING.** The mining of clay, sand, gravel, ores, and other minerals except chert (or similar type pits from which construction materials are obtained, which involve five acres or less and do not involve excavation below the surrounding area in such a way as to create a pit that will accumulate water), limestone, marble, dolomite, and coal, by removing the overburden lying above natural deposits thereof and mining directly from the

natural deposits thereby exposed or by mining directly from deposits lying exposed in their natural state.

“§9-16-5.

“(a) Any operator desiring a permit shall file an application with the department upon a form furnished by the department containing all of the following:

“(1) A brief description of the tract or tracts of land and the estimated number of acres to be affected by the applicant’s surface mining thereon during the permit period. The description shall include the section, township, range, and county in which the land is located and shall otherwise describe the land with sufficient clarity so it may be located and distinguished from other lands. The description shall also include a description of access to the area from the nearest public highway.

“(2) A statement by the applicant that the applicant has the right and power by legal estate owned to mine by surface mining the land so described. The statement shall set forth by reference the source of the applicant’s right and power to so mine.

“(3) A statement as to whether the applicant or any person, partnership, or corporation associated with the applicant holds or has held any other permits under this article and an identification of the permits.

“(4) The post office address of the applicant.

“(5) A comprehensive reclamation plan by the applicant of the manner in which the applicant intends to conduct reclamation of the affected land.

“(6) Any other information determined by the department to be necessary in determining whether a permit should be issued.

“(b) The application shall be accompanied by a bond or security meeting the requirements of section 9-16-8 and a filing fee of two hundred fifty dollars (\$250).

“(c) Upon the basis of a complete surface mining application and reclamation plan or a revision or renewal thereof, the department shall grant, require modification of, or deny the permit within 30 days and notify the applicant in writing of its action. The department may deny a permit if:

“(1) The information contained in the application is incomplete, false, or inaccurate.

“(2) The applicant fails to submit a feasible reclamation plan.

“(3) The applicant, or the operator specified in the application, controls or has controlled a mining operation with a demonstrated pattern of willful violations of this article.

“(4) The applicant, or operator specified in the application, has forfeited a bond for failure to reclaim under this article at any time after the effective date of this act adding this subdivision.

“(d) A permit issued by the department shall entitle the applicant to immediately engage in surface mining on the land described in the application for the permit period, provided that all other permits required under other statutes have been obtained.

“§9-16-7.

“(a) Every operator to whom a permit is issued pursuant to this article and who engages in surface mining on lands described in the permit shall:

“(1) Submit to the department, no later than 90 days after expiration of the permit period, a map or aerial photograph showing the location of the surface mining operation conducted during the permit period by section, township, range, and county with other description to identify the land upon which the operator has conducted surface mining during the permit period. The map or aerial photograph shall include a legend showing the number of acres of affected land and the reclamation to be made in accordance with this section.

“(2) Commence contemporaneous reclamation of mined areas as set out in the comprehensive reclamation plan approved by the department. Reclamation bonds shall be adjusted annually to reflect unreclaimed disturbed acreage as well as reclaimed acreage released by the department. Failure to carry out contemporaneous reclamation may result in the suspension of mining, until the department determines that reclamation has been completed in accordance with this subsection.

“(3) Conduct surface mining operations in a manner as to leave a minimum 50-foot setback. No clearing or excavation shall be done in setback areas. The operator shall immediately repair any damage to setback areas caused by the mining operation. All setbacks shall have lateral support graded to a 3:1 or flatter slope that shall be stabilized, mulched, fertilized, and planted in permanent native grasses and legumes. Failure to comply with setback requirements shall constitute a violation, and may result in suspension of the surface mining permit and a fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000) per violation.

"(4) Carry on grading of affected land to backfill highwalls to a 3:1 or flatter slope to reduce spoil peaks and ridges to a rolling topography, and provide soil stabilization and drainage control.

"(5) Divert water from the mining operation in a manner designed to reduce siltation, erosion, or other damage to streams and natural watercourses.

"(6) Revegetate all disturbed areas by applying lime and fertilizer, as recommended by a comprehensive soil analysis, then mulching and seeding with permanent native grasses and legumes to achieve a minimum 75 percent vegetative cover.

"(b) In addition to the requirements of subsection (a) of this section, the operator shall, as a minimum, plant tree-planting stock on or directly seed the affected land with seed or seedlings of native commercial species. Where the operator elects to plant tree-planting stock on all or a portion of the affected land, the planting shall be carried out based on a spacing of 10 feet, approximately 435 trees per acre, and planting methods shall be governed by good planting practices. Where the operator elects to directly seed all or a portion of the affected land, the direct seeding shall be conducted to result in establishment, one year after the sowing, of between 400 and 450 tree seedlings per acre. If direct seeding or planting does not result in establishment within one year of between 400 and 450 tree seedlings per acre, the operator shall conduct additional seeding or planting necessary to result in establishment of 400 to 450 tree seedlings per acre. All seeds to be sown by direct seeding shall be treated with bird and rodent repellent.

"(c) An operator with the legal title or right may construct dams of earth or other materials in cuts of all operations where lakes may be formed and may cause lakes to be formed. Notwithstanding the foregoing, the formation of any lakes shall not interfere with underground or other mining operations or cause damage to adjoining property.

"(d) On all affected land to be reforested, the operator shall construct fire lanes or access roads, which shall be not less than 12 feet in width and not more than one-fourth section apart at their nearest point. Where the fire lanes and access roads are adjacent to public roads or highways, they shall be constructed to be just inside the boundary of the reforested area.

"(e) In substitution for the grading and revegetation requirements set forth in subsections (a) and (b) of this section, the operator may elect to reclaim the land for range, agricultural, horticultural, homesite, recreational, industrial, or commercial use, but no election shall result in grading to a lesser extent than set forth in

subsection (a) of this section. The revegetation or other requirements applicable to range, agricultural, horticultural, homesite, recreational, industrial, or commercial use shall be in accordance with rules or regulations prescribed by the department.

“(f) The operator shall complete the reclamation of all affected land within two years from the date of expiration of the permit period.

“§9-16-12.

“(a) All fees and penalties collected under the provisions of this article shall be deposited in the General Fund of the State Treasury.

“(b) All funds received from the forfeiture of bonds, sureties, cash, or governmental securities shall be placed in the State Treasury and credited to a special agency account created and designated as the Surface Mining Reclamation Fund. The department shall, for each bond, surety, or deposit of cash or securities forfeited, utilize the proceeds of the forfeiture for the reclamation of affected lands. The director may establish and carry out a systematic schedule for the reclamation and revegetation of lands which have been affected by strip mining operations and to which there is no obligation on any person to reclaim or revegetate. The department may cause the reclamation work to be done by employees of other governmental agencies or through contracts with qualified vendors. The department and any contractor shall have the right of access to the land affected to carry out the reclamation.

“(c) The department may accept and use any funds, facilities, or personnel available for the purposes of this article.”

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:33 A.M.

Act No. 99-580

H. 55 – Rep. Letson

AN ACT

To amend Section 12-17-146 of the Code of Alabama 1975, to provide further for return of contributions to certain supernumerary programs as a condition precedent to purchase of certain prior service credit in the circuit clerks or registers supernumerary program.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-146 of the Code of Alabama 1975, is amended to read as follows:

“§12-17-146.

“(a) All contributions of circuit clerks or registers heretofore made to county or state supernumerary or retirement funds shall be refunded to the contributor if election is made to come within the supernumerary plan set out in this division.

“(b) When an active circuit clerk or register has been granted a refund of his or her contributions to a county supernumerary program and has cancelled membership in the program as provided in subsection (a), the circuit clerk or register may purchase up to 10 years of prior service credit in the state circuit clerks or registers supernumerary program for prior service as a county tax collector. Credit for the prior service in the state supernumerary program shall be granted when the purchaser pays to the circuit clerks or registers supernumerary fund prior to October 1, 2000, the full cost of the prior service credit as actuarially determined by the Administrative Office of Courts.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-581

H. 210 – Rep. Boyd

AN ACT

To amend Section 16-22-9, Code of Alabama 1975, relating to educational authority sick leave banks; to provide for the creation, operation, and administration of sick leave bank committees and banks; to require the monthly repayment of sick leave days; to provide for the utilization and repayment of catastrophic sick leave days; to authorize the advancement of sick leave days to new employees for their participation in the bank; to require the exhaustion of all sick and personal days before a recipient employee may receive catastrophic sick leave days from a sick leave bank; to provide for investigation and action against any noncompliant educational authority; to establish additional provisions relating to sick leave banks and catastrophic leave; and to specify a specific effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-22-9 of the Code of Alabama 1975, is amended to read as follows:

“§16-22-9.

“(a) The following terms shall have the following meanings, respectively:

“(1) **CATASTROPHIC ILLNESS.** Any illness, injury, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time.

“(2) **CHIEF EXECUTIVE OFFICER.** The superintendent of any public county or city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the President of Alabama Agricultural and Mechanical University; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; and the Executive Director of the Alabama School of Mathematics and Science.

“(3) **EDUCATIONAL AUTHORITY or AUTHORITY or BOARD.** Each city and county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the board of education for the Department of Youth Services School District; the Board of Directors of the Alabama School of Fine Arts; the Board of Directors of the Alabama High School of Mathematics and Science; the State Board of Education as applied to two-year post-secondary institutions; and the Board of Trustees of Alabama Agricultural and Mechanical University.

“(4) **EMPLOYEE.** Any person employed by the educational authority on a full-time or part-time basis.

“(5) **SICK LEAVE BANK COMMITTEE.** A committee of five employees, one representing the authority and four representing the participating members of the sick leave bank.

“(b) An educational authority, upon the request of 10 percent of its full-time certificated and full-time support personnel, shall establish a sick leave bank plan for each of the two groups either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process.

“(c) At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. The term of office shall be one year. The chief executive officer of the authority shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. The chief executive officer of the

authority shall also appoint the authority's representative on the committee, subject to board approval.

"(d) Notwithstanding any other provision of law to the contrary, it shall be the exclusive responsibility of the sick leave bank committee to write the guidelines and administrative procedures of the sick leave bank, including the catastrophic leave provisions of this section. It shall also be the committee's duty to develop all necessary forms for the orderly operation and administration of the sick leave bank and catastrophic leave provisions of this section. To ensure the orderly transfer and acceptance of catastrophic sick leave days from one sick leave bank to another, the State Board of Education shall provide a uniform state form.

"(e) Each plan shall allow the employees to deposit an equal number of days (not to exceed five) of his or her earned sick leave into the bank. The days deposited shall be available to be loaned to any participating member whose sick leave has been exhausted.

"(f) Upon the establishment of a sick leave bank, the sick leave bank committee shall establish procedures providing for the uniform administration of the sick leave bank. Guidelines shall be developed by the sick leave bank committee for the operation of the sick leave bank. The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. The accounting of the sick leave bank shall be the responsibility of the authority. Vacancies occurring on the committee shall be filled by the respective parties. No representative on the committee shall serve for a term longer than five years.

"(g) Each sick leave bank's guidelines shall include the regulations of this section. Additional guidelines shall be adopted by the sick leave bank committee as may be deemed appropriate and beneficial. No board or sick leave bank committee shall adopt any regulation which conflicts with the following general regulations:

"(1) No employee shall be allowed to owe more than 15 days to the sick leave bank, unless over 50 percent of the members of the bank vote to extend the limit.

"(2) Appropriate administrative forms for administering the sick leave bank shall be developed by the sick leave bank committee.

"(3) Sick leave days shall be repaid to the sick leave bank monthly as re-earned by the member. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.

"(4) A member of the sick leave bank shall not be allowed to accumulate more days than allowed in Section 16-1-18.1, including days in the sick leave bank.

"(5) Employee membership in the sick leave bank shall be voluntary.

"(6) Any alleged abuse of the use of the sick leave bank shall be investigated by the sick leave bank committee. On the finding of wrongdoing, the member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the local authority.

"(7) Upon retirement or transfer of the sick leave bank member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.

"(8) Before being eligible to use catastrophic sick leave days, the member of the sick leave bank shall first borrow and utilize days from the sick leave bank, up to a maximum of 15 days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the sick leave bank to the credit of the affected member.

"(9) At the beginning of the scholastic year, or upon employment of a new employee, as the case may be, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable him or her to join the bank. The sick leave bank committee shall develop in its guidelines a provision whether or not to allow other employees who have previously failed or refused to join the sick leave bank the option to join upon deposit of the prerequisite number of sick leave days. Any policy developed by the sick leave bank committee shall be uniformly applied to all employees.

"(h) Catastrophic Sick Leave. Employees, at their discretion, may donate a specific number of days to the sick leave bank to be designated for a specific employee for use against a catastrophic illness as defined by this section. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Section 16-1-18.1. Before sick leave days for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all sick and personal leave. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the sick leave bank for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or

returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee. No employee may donate more than 30 sick leave days, exclusive of the provisions of subsection (e), to the sick leave bank for the catastrophic sick leave of any one employee. A sick leave bank is authorized to donate sick leave days to another sick leave bank for use by a particular employee who is suffering a catastrophic illness. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days.

“(i) Compliance Required. If an authority fails to comply with this section within 30 calendar days after receiving the petition to establish a sick leave bank, the State Superintendent of Education (for the Public schools), the Chancellor of Postsecondary Education (for the two-year postsecondary schools), or the president of the governing board of trustees (for four-year colleges and universities) shall investigate the situation and shall immediately take due and appropriate steps to ensure compliance with this section.”

Section 2. This act is supplementary and shall be construed in *pari materia* with other laws; however, to the extent that the provisions of this act specifically conflict with other regulations, rulings, or statutes, this act’s provisions shall take precedence.

Section 3. The provisions of this act are severable. If any section, sentence, or clause of this act is declared invalid or unconstitutional by a court of competent jurisdiction, the declaration shall not affect the part which remains.

Section 4. This act shall become effective on September 1, 1999, following its passage and approval by the Governor, or upon its otherwise becoming a law. Following its passage, the sick leave bank committee shall be elected as provided in this act and shall review and update the bank’s guidelines for submission to the members of the sick leave bank for their approval by secret ballot no later than October 1, 1999.

Approved June 18, 1999

Time: 11:10 A.M.

Act No. 99-582

H. 260 – Rep. Knight

AN ACT

To require state agencies to pay the moving costs, relocation expenses, and certain other costs to persons who own and reside in a dwelling and the real property on which the dwelling is situated is acquired by eminent domain; to provide a limited exemption for certain state agencies to provide for additional payment to

enable disabled persons to acquire dwellings; to provide for additional payments to persons not eligible for certain payments; to require the establishment of relocation assistance advisory programs and the administration of relocation assistance programs; to provide that funds appropriated for condemnation of real property could be used to implement the provisions of this act; to designate certain persons as displaced persons; to provide that payments made under this act would not be deemed income for state tax purposes; to provide the procedure for requiring a person to move from property acquired by condemnation, for adjustment of the payments made to displaced persons, acquiring real property by eminent domain, reimbursement of certain expenses to owners of real property acquired by eminent domain, for reimbursement to an owner of real property of costs when the condemnation procedure is abandoned, and for costs incurred in a declaratory action filed by a state agency; to require that an owner of real property receive just compensation for structures and improvements on real property acquired by eminent domain; and to allow state agencies to promulgate rules and regulations for acquisition of real property by eminent domain under this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act may be cited as the Alabama Relocation Assistance and Real Property Acquisition Policies Act of 1999.

Section 2. As used in this act, the following terms shall have the following meanings:

(1) **COMPARABLE REPLACEMENT DWELLING.** Any dwelling that is decent, safe, and sanitary; adequate in size to accommodate the occupants; within the financial means of the displaced person; functionally equivalent; in an area not subject to unreasonable adverse environmental conditions; and in a location generally not less desirable than the location of the dwelling of a displaced person with respect to public utilities, facilities, services, and the place of employment of a displaced person.

(2) **DISPLACED PERSON.** a. Any person who moves from a dwelling on real property or moves his or her personal property from a dwelling on real property as a direct result of a written notice of intent to acquire or the acquisition of the real property, in whole or in part, for any program or project undertaken by a state agency, or other displacing activity as the state agency may prescribe, under a program or project undertaken by the state agency in any case in which the state agency determines that the displacement is permanent.

b. The term "displaced person" does not include a person who has been determined, according to criteria established by the state agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this act, or in any case which the state agency acquires property for a program or project, any person, other than a person who was an occupant of the property at the time it was acquired, who occupies the property on a rental basis

for a short term or a period subject to termination when the property is needed for the program or project.

(3) **MORTGAGE.** The classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured by the mortgage.

(4) **PERSON.** An individual, partnership, corporation, or association.

(5) **STATE AGENCY.** Any permanent or temporary state office, department, division or unit, bureau, board, commission, authority, institution, state college or university, or other unit of state government, whether executive, legislative, or judicial, who has the authority to acquire property by eminent domain under state law and who carries out projects with federal or state financial assistance that cause people to be displaced but shall not include any unit of local government.

Section 3. The Legislature declares that this act shall be applicable only to the acquisition of real property owned and occupied by the owner as a residence by any state agency for use in projects or programs in which federal or state funds are used; except that for the purposes of this act, federal guarantees or insurance shall not be deemed to be federal funds. This act shall not apply to acquisitions by a state agency which are voluntarily initiated or negotiated by the seller under no threat of condemnation.

Section 4. The Legislature further declares the following:

(1) The purpose of this act is to establish a uniform policy for the fair and equitable treatment of persons displaced from their residences as a result of programs or projects involving the acquisition of real property by any state agency. In order that the persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole, the policy shall be uniform as to relocation payments, advisory assistance, and assurances of availability of housing.

(2) It shall be the policy of the state to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many programs, and to promote public confidence in land acquisition practices.

Section 5. (a) Whenever the acquisition of real property for a program or project undertaken by a state agency will result in the displacement of any person, the agency shall make fair and reasonable relocation payments to displaced persons as required

by this act for the actual reasonable expenses in moving himself or herself or his or her family or personal property.

(b) This act shall not apply to the Alabama Department of Transportation if the department is required to provide relocation assistance pursuant to Sections 23-1-210, 23-1-211, and 23-1-212, Code of Alabama 1975.

Section 6. (a) In addition to payments otherwise authorized by this act, the state agency shall make an additional payment not in excess of twenty-two thousand five hundred dollars (\$22,500) to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 days prior to the initiation of negotiations for the acquisition of the property. The additional payment shall include the following:

(1) The amount, if any, which, when added to the acquisition cost of the dwelling acquired by the state agency, equals the reasonable cost of a comparable replacement dwelling.

(2) The amount, if any, which will compensate a displaced person for any increased interest costs and other debt service costs which the displaced person is required to pay for financing the acquisition of any comparable replacement dwelling. The amount for any increased interest or debt service costs shall be determined in accordance with the criteria established by the state agency. The amount shall be paid only if the dwelling acquired by the state agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(3) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including pre-paid expenses.

(b) The additional payment authorized by subsection (a) shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he or she receives final payment of all costs for the acquired dwelling, or the date on which the state agency obligation under Section 13 is met, whichever is the later date, except that the state agency may extend the period for good cause. If the period is extended, the payment under this section shall be based on the cost of relocating the person to a comparable replacement dwelling within one year of the date.

Section 7. (a) In addition to amounts otherwise authorized by this act, a state agency shall make a payment to or for any displaced

person displaced from any dwelling not eligible to receive a payment under Section 6 which dwelling was actually and lawfully occupied by the displaced person for not less than 90 days immediately prior to the initiation of negotiations for acquisitions of the dwelling, or in any case in which displacement is not a direct result of acquisition, or other event as the agency shall prescribe. The payment shall consist of the amount necessary to enable a displaced person to lease or rent, for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed five thousand two hundred fifty dollars (\$5,250).

(b) Any displaced person eligible for a payment under subsection (a) may elect to apply the payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any person may, at the discretion of the state agency, be eligible under this subsection for the maximum payment allowed under subsection (a) except that in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment shall not exceed the payment the person would otherwise have received under Section 6 had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of the negotiations.

Section 8. (a) Programs or projects undertaken by a state agency shall be planned in a manner that recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions which will cause displacements, and provides for the resolution of the problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

(b) The agency shall ensure that the relocation assistance advisory services described in subsection (c) are made available to all persons displaced by the agency. If the state agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer the person relocation advisory services under the program.

(c) Each relocation assistance advisory program required by subsections (a) and (b) shall include measures, facilities, or services necessary or appropriate in order to do the following:

(1) Determine, and make timely recommendations on, the need and preferences, if any, of displaced persons, for relocation assistance.

(2) Assure that, within a reasonable period of time, prior to displacement there will be available a comparable replacement dwelling.

(3) Supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.

(4) Provide other advisory services to displaced persons in order to minimize hardships to the person in adjusting to relocation.

(d) The heads of state agencies shall coordinate relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

Section 9. In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, a state agency may enter into contracts with any individual, firm, association, or corporation for service in connection with the programs, or may carry out its functions under this act through any federal or state agency or instrumentality having an established organization for conducting relocation assistance programs.

Section 10. Funds appropriated or otherwise available to any state agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this act as applied to that program or project.

Section 11. A displaced person who moves from his or her dwelling as the direct result of federally assisted building or other similar federally assisted code enforcement activities, or a program of rehabilitation or demolition of buildings conducted pursuant to a federally assisted governmental program, is deemed to be a displaced person for the purposes of this act.

Section 12. No payment received by a displaced person under this act shall be considered as income or resources for the purposes of determining the eligibility or extent of eligibility of any person for assistance under any state law, or for the purposes of the personal income tax law, corporation tax law, or other tax laws of the state. The payments shall not be considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

Section 13. (a) If a project cannot proceed to actual construction because comparable replacement sale or rental housing

is not available, and it is determined by the acquiring agency that housing cannot otherwise be made available to the displaced person, the agency may take action necessary or appropriate to provide housing by use of funds authorized for the project.

(b) No displaced person shall be required to move from his or her dwelling on account of any project, unless the agency head is satisfied that replacement housing, in accordance with subdivision 3 of subsection (c) of Section 8, is available to the person.

Section 14. The monetary limits provided in Sections 5, 6, and 7 shall be adjusted to conform to future revisions of corresponding monetary benefits under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Section 15. Whenever real property is acquired by a state agency in connection with any programs or projects, the acquisition shall be conducted, to the greatest extent practicable, in accordance with the following:

(1) An agency shall make every reasonable effort to acquire, expeditiously, real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his or her designated representative shall be given an opportunity to accompany the appraiser during his or her inspection of the property.

(3) Before the initiation of negotiations for real property, the state agency concerned shall establish an amount which it believes to be just compensation for the property and shall make a prompt offer to acquire the property for the full amount established. In no event shall the amount be less than the approved appraisal of the fair market value of the property by the agency. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The agency concerned shall provide the owner of the real property to be acquired with a written statement and summary of the basis for the amount it established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the state agency pays the agreed purchase price, or deposits with the state court in accordance with applicable law, for the benefit of the owner, an amount not less than the approved

appraisal of the fair market value of the property by the agency, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be scheduled so that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, if a replacement dwelling will be available, without at least 90 days' written notice from the agency concerned of the date by which the move is required.

(6) If the agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term for a period subject to termination by the state agency on a short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) The agency should either advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the agency concerned shall institute formal condemnation proceedings. No agency shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his or her real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the agency concerned shall offer to acquire the entire property.

Section 16. Any state agency requiring real property in connection with any program or project shall, as soon as practicable after the date of payment of the purchase price or the date of deposit into court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, reimburse the owner, to the extent the state agency deems fair and reasonable, for expenses he or she necessarily incurred for recording fees, transfer taxes, expenses incidental to conveying the real property to the state agency, penalty costs for prepayment for any preexisting recorded mortgage entered into in good faith encumbering the real property, the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the state agency, or the effective date of possession of the real property by the state agency, whichever is the earlier.

Section 17. Where a condemnation proceeding is instituted by a state agency to acquire real property and the final judgment

is that the real property cannot be acquired by condemnation, and the proceeding is abandoned, the owner of any right, title, or interest in real property shall be paid a sum that shall, in the opinion of the court, reimburse the owner for his or her reasonable costs, disbursements, and expenses including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings. The award of the sums will be paid by the state agency which sought to condemn the property.

Section 18. Where a declaratory judgment proceeding is instituted by the owner of any right, title, or interest in real property because of use of his or her property in any program or project undertaken by a state agency, the court, rendering a judgment for the plaintiff in the proceeding and awarding compensation for the taking of property, or the Attorney General effecting a settlement of any proceeding, shall determine and award or allow to a plaintiff, as a part of a judgment or settlement, a sum that shall, in the opinion of the court or the Attorney General, as the case may be, reimburse the plaintiff for his or her reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

Section 19. (a) To the greatest extent practicable, where an interest in real property is acquired an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from the real property which is determined to be adversely affected by the use to which the real property will be put shall be acquired.

(b) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired as above set forth, the building, structure, or other improvement shall be deemed to be a part of real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove the building, structure, or improvement at the expiration of his or her term, and the fair market value which the building, structure, or improvement contributes to the fair market value of the real property to be acquired or the fair market value of the building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(c) Payment for the building, structures, or improvements as set forth above shall not result in duplication of any payments otherwise authorized by state law. No payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any payment, the tenant shall assign, transfer, and release all of his or her rights, title and

interest in and to the improvements. Nothing with regard to the above mentioned acquisition of buildings, structures, or other improvements shall be construed to deprive the tenant of any rights to reject payment under this section and to obtain payment for such property interests in accordance with other laws of the state.

Section 20. All state agencies may promulgate rules and regulations as necessary to carry out this act.

Section 21. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-583

H. 457 – Rep. Buskey

AN ACT

To amend Section 8-19-5 and 8-19-12 of the Code of Alabama 1975, to make it unlawful to engage in certain deceptive practices relating to stamping packages of cigarettes and to prescribe penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8-19-5 and 8-19-12 of the Code of Alabama 1975, are amended to read as follows:

“§8-19-5.

“The following deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful:

“(1) Passing off goods or services as those of another, provided that this section shall not prohibit the private labeling of goods or services.

“(2) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services.

“(3) Causing confusion or misunderstanding as to the affiliation, connection, or association with, or certification by another, provided that this section shall not prohibit the private labeling of goods or services.

“(4) Using deceptive representations or designations of geographic origin in connection with goods or services.

“(5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities

that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he or she does not have.

“(6) Representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, secondhand, or altered to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided that this subdivision shall not apply to new goods which have been reconditioned, reclaimed, or repaired and such fact is disclosed to the purchaser.

“(7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

“(8) Disparaging the goods, services, or business of another by false or misleading representation of fact.

“(9) Advertising goods or services with intent not to sell them as advertised.

“(10) Advertising goods or services with intent not to supply reasonably expectable public demand unless the advertisement discloses a limitation of quantity.

“(11) Making a false or misleading statement of fact concerning the reasons for, existence of, or amounts of, price reductions.

“(12) Knowingly failing to identify flood, water, fire, or accidentally damaged goods as damaged goods if they are damaged to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided, that this subdivision shall not apply to accidentally damaged new goods where the goods are reconditioned, reclaimed, or repaired to substantially their original condition and such fact is disclosed to the purchaser.

“(13) Knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service.

“(14) Misrepresenting the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction.

“(15) Disconnecting, turning back, replacing, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge with the intent of deception.

“(16) Advertising of any sale by falsely representing that a person is going out of business.

“(17) After receipt of payment for goods or services, failing to ship the goods or furnish such services within the time advertised

or otherwise represented or, if no specific time is advertised or represented, failing to ship the goods or furnish such services within 30 days, unless within the applicable time period the seller provides the buyer with the option to either cancel the sales agreement and receive a refund of all previous payments to the seller or to extend the date to a specific date proposed by the seller. Any refund shall be mailed or delivered to the buyer within 10 business days after the seller receives written notification from the buyer of the buyer's option to cancel the sales agreement and receive the refund.

"(18) Using or employing a chain referral sales plan in connection with the sale or offering for sale of goods, merchandise, or anything of value, involving a sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers, if the receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchased the goods, merchandise, or anything of value.

"(19) Selling or offering to sell, either directly or associated with the sale of goods or services, a right to participation in a pyramid sales structure. As used herein, "pyramid sales structure" includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for consideration acquires the opportunity to receive a pecuniary benefit, which is based primarily upon the inducement of additional persons by that person, and others, regardless of number, to participate in the same plan or operation, and is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed. For purposes of this subdivision, "consideration" shall not include payments made for sales demonstration equipment and materials furnished on a nonprofit basis for use in making sales and not for resale wherein such payments amount to less than \$100 annually.

"(20) In connection with any seller-assisted marketing plan, either misrepresenting the amount or extent of earnings to result therefrom, or misrepresenting the extent or nature of the market for the goods or services, or both, sold or delivered in connection with the plan, or misrepresenting that the seller of the plan will repurchase all or part of the goods or services, or both, sold or delivered in connection with the plan, or failing to deliver goods or services, or both, within the time represented. As used herein,

“seller-assisted marketing plan” includes any plan, scheme, or system in which for a consideration a buyer acquires goods or services, or both, together with a plan, scheme, or system for the resale of said goods or services, or both.

“(21) Intentionally misrepresenting that a warranty or guarantee confers or involves certain rights or remedies.

“(22) In selling a new motor vehicle, failing to disclose material damage to the motor vehicle as prescribed hereafter:

“a. Each manufacturer, importer, or distributor of new motor vehicles sold or transferred to a motor vehicle dealer in this state, shall notify the motor vehicle dealer in writing prior to delivery of the vehicle of any material damage to the vehicle which is known to the manufacturer, importer, or distributor, and which was sustained or incurred by the motor vehicle at any time after the manufacturing process is complete but prior to delivery of the vehicle to the dealer.

“b. In selling a new motor vehicle, each motor vehicle dealer in this state shall notify the purchaser in writing at the time of sale of any material damage to the vehicle which is known to the motor vehicle dealer and which was sustained or incurred by the motor vehicle at any time after the manufacturing process is complete, but prior to delivery of the vehicle to the purchaser.

“c. For purposes of this section, “material damage” means damage sustained or incurred by a motor vehicle, whether corrected or uncorrected, which cost to repair exceeds three percent of the manufacturer’s suggested retail price of the vehicle based upon the dealer’s retail repair cost or the sum of \$500, whichever is greater. Damage to tires, glass, bumpers, and in-dash audio equipment shall not be considered in determining the cost of repair if those components are replaced by identical manufacturer’s original equipment. The failure of a manufacturer, importer, distributor, or motor vehicle dealer to give notice of damage below the threshold constituting “material damage” shall not provide grounds for revocation of the sale nor shall such failure constitute a material misrepresentation or omission of fact.

“d. Each manufacturer, importer, or distributor of new motor vehicles shall indemnify and hold harmless the motor vehicle dealer obtaining a vehicle from the manufacturer, importer, or distributor from and against any liability, including reasonable attorneys’ fees, which the motor vehicle dealer may have to the purchaser of the vehicle as a result of damage to the new motor vehicle which was known to the manufacturer, importer, or distributor, which occurred prior to delivery of the vehicle to the

dealer, and which was not disclosed in writing to the dealer prior to delivery of the vehicle. This indemnity obligation of the manufacturer, importer, or distributor shall apply regardless of whether the damage constitutes “material damage” as defined herein.

“(23) Affixing an Alabama revenue stamp, including local municipal or county stamps, to, or upon, any package of cigarettes, or selling or holding for sale any package of cigarettes to which an Alabama revenue stamp, including local municipal or county stamps, has been affixed, if:

“(a) The package differs in any respect with the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec. 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States:

“(b) The package is labeled “For Export Only,” “U.S. Tax Exempt,” “For Use Outside U.S.,” or similar wording indicating that the manufacturer did not intend that the product be sold in the United States;

“(c) The package, or a package containing individually stamped packages, has been altered by adding or deleting the wording, labels, or warnings described in (a) or (b) of this subsection;

“(d) The package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec 5754; or

“(e) The package in any way violates federal trademark or copyright laws.

“For the purposes of this section, the term “package” means a neck, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for distribution, to consumers. Also for the purposes of this section, the term “Alabama revenue stamp” means the stamp or stamps by the use of which the tax levied under Article 1 of Title 40, Chapter 25 is paid.

“(24) Engaging in any other unconscionable, false, misleading, or deceptive act or practice in the conduct of trade or commerce.

“§8-19-12.

“(a) Any person who continuously and willfully violates any provision of this chapter shall be guilty of a Class A misdemeanor.

“(b) In addition to any other penalties set forth in this chapter, a person who violates Section 8-19-5(23) of this chapter:

“(1) Shall be guilty of a Class A misdemeanor.

“(2) Shall be subject to the revocation of any license or permit pertaining to the sale or distribution of cigarettes or other tobacco products, including, but not limited to, any license or permit issued by the Commissioner of Revenue pursuant to Chapter 25 of Title 40.

“(c) Notwithstanding any other provision of law, any law enforcement officer may seize and destroy or sell to the manufacturer (only for export) packages of cigarettes sold or held for sale in violation of Section 8-19-5(23) of this chapter. The proceeds from any fines resulting from enforcement of this act by a law enforcement officer as well as any proceeds from sales to the manufacturer (only for export) shall accrue to the department or agency which employed the law enforcement officer who enforced this act.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 18, 1999

Time: 11:35 A.M.

Act No. 99-584

H. 605 – Rep. Turner

AN ACT

To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, relating to the taxation of certain oil and gas wells, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-17-25 and 40-20-2, Code of Alabama 1975, are amended to read as follows:

“§9-17-25.

“(a) For the purpose of defraying the expenses connected with the administration and enforcement of this article, including the expense of the inspections, tests, analyses and all other expenses connected with the supervision and protection of crude petroleum oil and natural gas in the State of Alabama, there is hereby levied on the producer a tax equal in amount to two percent of the gross value, at the point of production, of the crude petroleum oil or natural gas produced for sale, transport, storage, profit or for use from any well or wells in the State of Alabama. Provided, however, that

natural gas lawfully injected into oil or gas pools or reservoirs in the soil or beneath the soil or waters of the State of Alabama is exempt from this tax. Provided, further, that natural gas lawfully injected into the earth for the purpose of lifting oil or gas in the State of Alabama is exempt from this tax. However, if any gas so injected into the earth is sold for such purposes or injected into underground storage facilities as defined in Section 9-17-150 et seq., then the gas so sold or injected shall not be exempt from this tax. Natural gas lawfully vented or flared in connection with the production, treatment, or processing of oil or gas is exempt from the tax. The tax shall be paid to the Department of Revenue directly by the purchaser when authorized in writing by the producer, and, when so paid, the producer or person in charge of production shall be relieved of any further liability.

“(b) For any well for which the initial permit issued by the Oil and Gas Board is dated on or after July 1, 1996, and before July 1, 2002, except a replacement well for a well for which the initial permit was issued by the Oil and Gas Board is dated before July 1, 1996, the applicable rate of tax levied pursuant to subsection (a) shall be one percent for a period of five years commencing with commercial production, after which subsection (a) shall apply.

“§40-20-2.

“(a) (1) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the State of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided in subsequent subdivisions of this subsection.

“(2) Effective May 1, 1985, and thereafter, the incremental oil or gas production produced during a given year resulting from a qualified enhanced recovery project shall be taxed at the rate of four percent of gross value at the point of production of said incremental oil or gas production. The State Oil and Gas Board of Alabama shall approve the qualified enhanced recovery project and the determination of the projected annual oil or gas production that could have otherwise been produced without the benefit of the initiation of said qualified enhanced recovery project at a hearing held pursuant to Section 9-17-7, as amended, and shall notify the Alabama Department of Revenue thereof.

“(3) All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at

the rate of four percent of gross value of said oil or gas at the point of production.

“(4) All oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six percent of the gross value of said oil and gas at the point of production for a period of five years from the date production begins from said discovery and development wells, provided, that all production to receive a six percent tax rate, which is produced from discovery wells, must be from discovery wells permitted by the State Oil and Gas Board of Alabama after July 1, 1984, and that all production to receive a six percent tax rate from development wells on which drilling commenced within the required time of completion of a discovery well, which was permitted after July 1, 1984, and said development well must also have been permitted after July 1, 1984; provided however, that the six percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six percent five-year, tax rate period for only the remainder of the said tax rate period.

“(5) All oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of the gross value of said oil or gas production at the point of production.

“(6) [Expired by Acts 1984, No. 84-672, p. 5, § 2. See Code Commissioner’s Note]

“(7) For any well for which the initial permit issued by the Oil and Gas Board is dated on or after July 1, 1988, except a replacement well for a well for which the initial permit issued by the Oil and Gas Board is dated before July 1, 1988, the rates provided in subdivisions (1) and (5) of this subsection shall be reduced by 2 percent.

“(8) For any well for which the initial permit issued by the Oil and Gas Board is dated on or after July 1, 1996, and before July 1, 2002, except a replacement well for a well for which the initial permit issued by the Oil and Gas Board is dated before July 1, 1996, the applicable rate shall be reduced by 50 percent for a period of five years commencing with commercial production after which subdivision (7) shall apply.

“(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition. Provided, however, that natural gas lawfully injected into oil or gas pools or reservoirs in the soil or beneath the soil or waters of the State of Alabama is exempt from this tax. Provided, further, that natural gas lawfully injected into the earth for the purpose of lifting oil or gas in the State of Alabama is exempt from this tax. However, if any gas so injected into the earth is sold for such purposes or injected into underground storage facilities as defined in Section 9-17-150 et seq., then the gas so sold or injected shall not be exempt from this tax. Natural gas lawfully vented or flared in connection with the production, treatment, or processing of oil or gas is exempt from this tax.

“(c) A county, city, town or municipality of the State of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the State of Alabama and on which severance taxes have been paid to the State of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in Section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

“(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in Section 40-20-1.

“(e) In all cases of production of oil from unit operations as authorized and approved by the State Oil and Gas Board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:36 A.M.

Act No. 99-585

H. 177 – Reps. Hawk and Mancuso

AN ACT

To make an appropriation from the Education Trust Fund in the State Treasury to the Department of Public Health for the support and maintenance of the Emergency Medical Services Programs in the amount of \$4,597,896 for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$4,597,896 is appropriated from the Education Trust Fund in the State Treasury to the Department of Public Health for the fiscal year ending September 30, 2000 to be used as follows:

(1) For funding Birmingham Regional Medical Services System, \$375,100;

(2) For funding East Alabama Emergency Medical Services, Inc., \$375,100;

(3) For funding North Alabama Emergency Medical Services, Inc., \$375,100;

(4) For funding Southeast Alabama Emergency Medical Services, Inc., \$375,100;

(5) For funding Southwest Alabama Emergency Medical Services, Inc., \$375,100;

(6) For funding West Alabama Emergency Medical Services, Inc., \$375,100;

(7) For funding special scientific studies and data records for emergency medical services providers to evaluate effectiveness of educational programs at all levels, and regional equipment and training grant funds for emergency medical services, \$579,594;

(8) For improvement in emergency medical services through services offered at the state level, \$411,587;

(9) For emergency medical services education, \$1,356,115 as provided in Section 3 herein.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) of Section 1 that is not disbursed for the funding of special scientific studies and data records for emergency medical services providers to evaluate the effectiveness of educational programs at all levels shall be disbursed by contract with the regional agencies named for equipment and training grant funds and shall be placed in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment, tuition, and expenses for training by emergency medical services providers. Equipment and training grant funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. The Alabama Emergency Medical Services Education Commission (hereinafter referred to as the Commission) shall direct the expenditure of the funds that are appropriated for such purpose by the Legislature by making grants to state community and junior colleges, state technical colleges, and other public

institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 2000, the Commission shall direct the expenditure of \$1,356,115 for the purposes of this section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT-Paramedic level or a combination thereof and shall be subject to all conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require financial statements as a condition of grant acceptance.

Section 4.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 7. This act shall become effective on October 1, 1999, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:37 A.M.

Act No. 99-586

H. 548 – Rep. Johnson

AN ACT

To amend Section 22-21-265, Code of Alabama 1975, as amended by Act 98-339 of the 1998 Regular Session, relating to the State Health Planning and Development Agency and the issuance of certificates of need for certain new or expanded institutional health services; to further provide for exemptions from review under the certificate of need process for nursing home beds under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-265, Code of Alabama 1975, as amended by Act 98-339 of the 1998 Regular Session, is amended to read as follows:

“§22-21-265.

“(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct, or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless the person shall first obtain from the SHPDA a certificate of need therefor. Notwithstanding any provisions of this article to the contrary, those facilities and distinct units operated by the Department of Mental Health and Mental Retardation, and those facilities and distinct units operating under contract or subcontract with the Department of Mental Health and Mental Retardation where the contract constitutes the primary source of income to the facility, shall not be required to obtain a certificate of need under this article.

“(b) Notwithstanding all other provisions of this article to the contrary, the replacement of equipment by health care facilities shall be exempt from certificate of need review, provided:

“(1) The replacement does not change the purpose, use, or application of the equipment.

“(2) The existing equipment is taken out of service.

“(3) The replacement equipment does not enable the health care facility to expand its health services.

“(4) The replacement equipment does not enable the health care facility to provide any health services not previously provided on a regular basis.

“A determination of whether the acquisition of equipment is exempt from review under this section shall be made by the Executive Director of the SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in the amount of 10 percent of the fee provided in Section 22-21-271. If it is determined that the replacement is not reviewable pursuant to this section, the applicant shall be notified in writing that no certificate of need is required. The SHPDA shall define an appeals process.

“Any provision in this article to the contrary notwithstanding, no rural hospital shall be required to submit an application fee when filing a request for determination under this section.

“(c) The SHPDA shall maintain the Alabama State Health Plan to include separate bed need methodologies for inpatient psychiatric services, inpatient rehabilitation services, and inpatient/residential

alcohol and drug abuse services. The SHPDA shall utilize these methodologies in considering all certificate of need applications.

“(d) Notwithstanding all other provisions of this article to the contrary, the increase in the number of nursing home beds of a health care facility licensed pursuant to Section 22-21-260(6) as a skilled nursing care facility or an intermediate care facility, but excluding an increase in the bed capacity of an intermediate care facility designated as an ICF-MR by the State Board of Health and operated by the State Department of Mental Health and Mental Retardation which facilities shall be governed by the other provisions of this article, shall be exempt from certificate of need review, provided:

“(1) The increase does not exceed 10 percent of the total skilled nursing beds of the facility, rounded to the nearest whole number, or 10 beds, whichever is greater.

“(2) The average rate of occupancy for the nursing home beds of the facility is not less than 95 percent, rounded to the nearest whole number, for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from the certificate of need review.

“(3) The aggregate average rate of occupancy for all other skilled nursing facilities and intermediate nursing facilities in the same county as the requesting facility’s is not less than 95 percent, rounded to the nearest whole number, for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from certificate of need review.

“(4) The increase does not require capital expenditures exceeding the capital expenditure thresholds prescribed in Section 22-21-263(a)(2).

“(5) The facility has not been granted an increase of beds under this exemption within the immediately preceding 24-month period.

“In calculating the average occupancy for the facility under subdivision (2) of this subsection and for all other skilled and intermediate nursing facilities in the same county under subdivision (3) of this subsection, beds previously granted including beds granted after January 1, 1995, to the facility, and to other skilled or intermediate nursing facilities in the same county as the requesting facility, pursuant to a certificate of need or to this exemption shall be deemed built and available for occupancy as of the date granted regardless of when the beds were placed in service. SHPDA shall promulgate regulations to determine how occupancy shall be calculated for the purpose of this subsection, taking into account certain factors such as, but without limitation, disregarding beds that have

not been available for use for the three (3) years next preceding the period for which occupancy is being measured.

“(6) The facility has had an average daily census comprised of 40 percent of Medicaid patients within the fiscal year ended June 30 immediately prior to filing an application for exemption under the section.

“(7) Any exemption to add beds without a certificate of need shall expire and be deemed null and void unless the beds are placed in service not less than 12 months after the date the exemption is granted. Notwithstanding the foregoing, SHPDA may promulgate rules permitting the Executive Director of SHPDA to grant one extension not to exceed twelve months upon a showing of substantial progress. Notwithstanding the foregoing, any exemption granted by the SHPDA prior to April 10, 1995, for facilities which have agreed to the provisions of the June 21, 1995 consent decree, is ratified and confirmed and shall be deemed to have been granted in accordance with this subsection. In addition, any facility which was granted an exemption by the SHPDA prior to April 10, 1995, is ratified and confirmed and shall be deemed to have been approved as of the latter of the actual date approved or March 3, 1995 and to have been granted in accordance with this subsection.

“Determination of whether the increase in beds is exempt from review under this section shall be made by the Executive Director of SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in an amount to be determined by the review board in accordance with Section 22-21-271(a). The SHPDA shall promulgate rules affording an applicant pursuant to this subsection a right to appeal adverse rulings.

“Applications pursuant to this section for exemption from certificate of need review for an increase in bed capacity shall be made only during the 90-day period beginning January 1 through March 31 of each year.

“The provisions of this section shall automatically terminate and become null and void on December 31, 2005, unless a bill to continue or reestablish the provisions of this section shall be passed by both houses of the Legislature and enacted into law.

“(e) Notwithstanding all other provisions of this article to the contrary, an existing home health agency may accept referrals of patients from outside its Medicare certified service area without obtaining a certificate of need, provided all of the following conditions are met:

“(1) The county of the referral is contiguous to a county for which the home health agency held a certificate of need or an

exemption granted pursuant to provisions of Section 22-21-263, on April 16, 1998.

“(2) The home health agency establishes no branch office in the county of the referral.

“(3) The home health agency incurs no capital expenditures in the county of the referral in excess of five hundred dollars (\$500).

“The home health agency shall notify the SHPDA that it has begun accepting referrals from a county contiguous to its service area within 14 days of the receipt of the first referral from the contiguous county. No notice to the SHPDA shall be required related to subsequent referrals in the same contiguous county. The SHPDA shall take steps to provide for the inclusion of statistical information relating to the service to referrals outside the Medicare certified service area in its annual statistical reports. The SHPDA shall charge the home health agency no fee for servicing referrals outside the service area.”

Section 2. It is not the intent of the Legislature to forgive, ratify, or confirm any illegal actions or presentation of information known to be false on the part of applicants for certificates of need or the agents or employees of either the applicants or the State Health Planning and Development Agency.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:38 A.M.

Act No. 99-587

H. 241 – Rep. Johnson

AN ACT

Relating to tobacco products; to license certain wholesalers and distributors to affix tax stamps on tobacco products with certain exceptions for manufacturers and to prescribe penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Notwithstanding any other laws, the only persons or businesses who may be licensed to buy and affix the tax stamps of the Alabama Department of Revenue required by law to packages of tobacco products are wholesalers and distributors who buy the tobacco products direct from the manufacturer, or an affiliate of the manufacturer, except that the manufacturer of the product may be allowed to affix the stamps to a tobacco product for the following purposes:

(1) Trademark registration.

(2) Promotions of the product.

(3) Testmarketing the product.

(b) In order for a manufacturer to affix tax stamps to a tobacco product for a purpose described in subsection (a), the manufacturer shall give at least four weeks written notice to the Commissioner of the Department of Revenue of such intention along with full details of the exceptional event, including, but not limited to:

(1) The nature of the promotion.

(2) The location and length of the promotion.

(3) The estimated number of tobacco products to be offered for sale during the promotion.

(c) The Department of Revenue shall notify all self-administered counties and municipalities of the manufacturer's request within seven days of receiving notice from the manufacturer by forwarding to each self-administered county and municipality a copy of the written notice, including the full details of the exceptional event as set out above.

Section 2. Any person who violates this act shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished as prescribed by law.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:39 A.M.

Act No. 99-588

H. 365 – Reps. McDaniel, Thigpen,
Sanderford, Laird,
Haney, McClurkin,
Payne, Guin and Carter

AN ACT

To amend Section 35-12-24.1, Code of Alabama 1975, to clarify the scope of the Alabama Uniform Disposition of Unclaimed Property Act with respect to gift certificates, and to confirm that persons engaged in the sale of tangible personal property at retail may charge, and deduct from what might otherwise be considered unclaimed property subject to the act, an administrative and restocking fee of not more than \$25 with respect to items purchased under a lay-away agreement that is not fulfilled by the customer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 35-12-24.1, Code of Alabama 1975, is hereby amended to read as follows:

“§35-12-24.1.

“(a) Electric cooperatives organized under chapters 6 and 7 of Title 37, as amended, shall be exempted from all provisions of the Uniform Disposition of Unclaimed Property Act, which act is codified in sections 35-12-20 through 35-12-48, as amended.

“(b) A gift certificate, gift card, or in-store merchandise credit issued or maintained by any person engaged primarily in the business of selling tangible personal property at retail shall not be considered tangible or intangible property covered by this chapter.

“(c) Any person engaged primarily in the business of selling tangible personal property at retail may by contract with the customer charge, and deduct from the property otherwise subject to this chapter, a reasonable administrative and restocking fee of not more than twenty-five dollars (\$25) with respect to items purchased under a lay-away or similar agreement the terms of which are not fulfilled by the customer and the items are returned to inventory.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or otherwise upon its becoming a law.

Approved June 18, 1999

Time: 11:40 A.M.

Act No. 99-589

H. 708 – Reps. Kennedy, Hall (L),
Graham, Schmitz,
Greene, Dunn and Boyd

AN ACT

To amend Sections 30-6-1, 30-6-3, 30-6-4, 30-6-5, 30-6-6, 30-6-7, 30-6-8, 30-6-9, and 30-6-11 of the Code of Alabama 1975, relating to domestic violence shelters; to further provide for definitions including the definition of abuse; to further provide for the operation and funding of domestic violence shelters certified by the Office of Prosecution Services; to transfer certain informational, educational, and reporting duties from the district attorneys of the several circuits to the Alabama Coalition on Domestic Violence, Inc.; to further provide for privileged communications by victims of domestic violence; and to increase the fee for a marriage license for the operation of the program.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 30-6-1, 30-6-3, 30-6-4, 30-6-5, 30-6-6, 30-6-7, 30-6-8, 30-6-9, and 30-6-11 of the Code of Alabama 1975, are amended to read as follows:

“§30-6-1.

“In this chapter, the following words shall have the following meanings unless the context clearly indicates otherwise:

(1) ABUSE.

“Any offense under Sections 13A-6-60 to 13A-6-70, inclusive, or under Sections 26-15-1 to 26-15-4, inclusive, occurring among family, household, dating, or engagement relationship members as defined in Section 15-10-3.

“ACADV. The Alabama Coalition Against Domestic Violence, Incorporated.

“ADVOCATE. An employee or volunteer of a program for victims of domestic violence receiving funds under this chapter who has a primary function of rendering advice, counseling, or assistance to victims of domestic violence; who supervise the employees or volunteers of the program; or who administers the program.

(4) DOMESTIC VIOLENCE SHELTER OR FACILITY. A facility which provides services or shelter to adult victims and their accompanying children as herein defined and which has been certified by the Office of Prosecution Services to receive funds.

(5) OFFICE. The Office of Prosecution Services.

(6) VICTIM. Any individual suffering assault, battery, rape, or other abuse as defined in subdivision (1) and any dependent of the individual, including a child.

“Terms not otherwise defined by this chapter shall have the meaning given to them by the Alabama Criminal Code, Title 13A, or other provisions of law, as the case may be.

“§30-6-3.

“(a) It shall be the duty of the office to do all of the following:

“(1) To establish minimum program requirements and standards for certifying domestic violence facilities to receive state funds pursuant to this chapter.

“(2) To receive applications for state funding of the facilities pursuant to this chapter.

“(3) To approve or reject each application within 60 days of receipt of the application.

“(4) To distribute funds to a certified facility beginning on October 1 of the year immediately succeeding the year in which the facility’s application was approved.

“(5) To evaluate annually each shelter for compliance with the minimum standards.

“(b) The office or the district attorney from any participating circuit may enter and inspect the premises of domestic violence shelter at any reasonable hour in order to effectively evaluate the state of compliance of the facility with this chapter and rules in force pursuant thereto.

“(c) The Executive Committee of the Alabama District Attorneys Association shall prescribe by rule the procedures by which subdivision (1) of subsection (a) shall be implemented.

“(d) Any facility which shelters children, pursuant to this chapter, shall be exempt from the provisions of Title 38, Chapter 7.

“§30-6-4.

“The Alabama Coalition Against Domestic Violence Incorporated shall do all of the following:

“(1) Formulate and conduct a research and evaluation program on domestic violence and cooperate with and assist and participate in programs of other properly qualified agencies, including any agency of the state, federal government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence.

“(2) Serve as a clearinghouse for information relating to spouse abuse and domestic violence.

“(3) Carry on educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to spouse abuse, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to spouse abuse and domestic violence.

“(4) Enlist the assistance by contract or otherwise, of public and voluntary health, education, welfare, and rehabilitation centers or agencies in a concerted effort to prevent child abuse and domestic violence and to treat or provide shelter for persons engaged in or subject to such abuse or violence.

“§30-6-5.

“On or before 30 days prior to each regular session of the Legislature, the ACADV shall report to the office, and the office shall furnish to the President of the Senate and the Speaker of the

House of Representatives, on or before the third day of each regular session, a report on the status of domestic violence in Alabama which shall include, but not be limited to, the following:

“(1) The incidence of domestic violence in this state and in each county.

“(2) The identification and description of the types of programs in the state that assist victims or persons initiating the violence and abuse.

“(3) The number and characteristics of persons treated by or assisted by local programs or centers receiving funding.

“The number and characteristics of persons perpetrating domestic violence identified by centers receiving funding.

“(5) An inventory and evaluation of existing prevention programs.

“§30-6-6.

“(a) In order to be funded and certified, each facility shall do all of the following:

“(1) Provide a shelter, whether public or private, which will serve as a center to receive and house adult persons who are domestic violence victims and their accompanying children.

“(2) Receive the periodic written endorsement of the participating circuit’s district attorney and the local law enforcement agency within the jurisdiction of the site.

“(3) Provide minimum services which shall include, but not be limited to, information and referral services, counseling services, temporary emergency shelter for more than 24 hours, for adult victims and their accompanying children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of abuse, and the care, treatment, and rehabilitation for persons engaged in or subject to such abuse.

“(b) Domestic violence facilities may be established throughout the state as private, local, state, or federal funds are available. Any local agency or organization may apply to participate in certification and state funding pursuant to this chapter. This chapter shall not be construed to prohibit any agency or organization from uniting with a like agency or organization, within or without the same county or within or without any adjacent circuit, in the joint establishment or operation of any domestic violence facility.

“(c) The facilities shall establish procedures pursuant to which persons subject to domestic violence may seek services from these facilities on a voluntary basis.

“(d) Each facility shall have a board composed of at least three citizens, one of whom shall be a member of a local, municipal, or county law enforcement agency.

“(e) No individual facility shall receive a total amount in excess of two hundred fifty thousand dollars (\$250,000) annually.

“(f) Each facility shall submit their proposed budget at the request of the office and prior to any application for funds.

“§30-6-7.

“Each circuit shall receive a proportionate share of the total funding appropriated, as the population of the circuit or circuits jointly bear to the total population of the state, according to the most recent federal decennial census, for implementation of this chapter. Each facility shall receive the funds as determined by the policy adopted by the office. The formula for such funding shall be deemed a public record. The office may not expend in excess of ten percent of the funds administered by it to implement this chapter. Of the funds administered by the office to implement this chapter, the office shall retain 60 percent of the funds or eighty thousand dollars (\$80,000), whichever is greater, and shall disburse the remainder of the implementation funds received during the previous fiscal year to the ACADV upon satisfactory receipt of the report described in Section 30-6-5 for that year.

“§30-6-8.

“Information received by the office, the circuit, any district attorney or his or her employees, or by authorized persons employed by or volunteering services to a facility, through files, reports, inspection, or otherwise, shall be deemed confidential information, except as otherwise herein provided, and shall not be disclosed publicly in such a manner as to identify individuals or facilities. Oral communications between a domestic violence victim and an advocate and written reports and records concerning the victim may not be disclosed without the written consent of the victim. This privilege does not relieve a person from any duty imposed pursuant to Section 26-14-1 or Section 38-9-2. A victim or advocate may not claim this privilege when providing evidence in proceedings concerning child abuse, but may claim this privilege in all other proceedings, both criminal and civil. This privilege expires upon the death of the victim. Each facility, with the approval of the office, shall establish its own rules, regulations, and policies for the performance of the responsibilities charged to it in this chapter. The office shall ensure that the information obtained under authority of this chapter shall be restricted to the items germane to the implementation thereof and shall ensure that the provisions are administered so as not to accumulate any information or distribute any information that is not required by this chapter. The

office and each participating district attorney shall ensure that adequate safeguards are incorporated so that data available is used only by properly authorized persons, facilities, and agencies.

“§30-6-9.

“Any law enforcement officer who investigates an alleged incident of domestic violence shall advise the person subject to the abuse of the availability of a facility from which he or she may receive services.

“§30-6-11.

“Commencing October 1, 1999, and thereafter, in addition to any and all other fees collected for any marriage license, the probate judge shall collect thirty dollars (\$30) which shall be forwarded to the district attorney of the judicial circuit of his or her county. The funds shall be designated only for the purposes of this chapter, and forwarded monthly to the office for distribution on a formula, pursuant to Section 30-6-7 and this chapter. Provided, however, no unspent and unencumbered funds generated by this chapter shall revert to the General Fund of the State Treasury at the end of the fiscal year. Any such unspent and unencumbered funds shall be returned to the respective judicial circuits from which they were generated. The district attorney shall use the funds exclusively for the purposes of establishing, maintaining or funding, or any combination thereof, of domestic violence shelters. The funds shall be used for the establishment or maintenance of a domestic violence shelter within 12 months of the end of the fiscal year during which they were collected. If funds collected pursuant to this chapter have not been exceeded for the purposes of establishing or maintaining a domestic violence shelter within the time period designated in this section, those funds shall revert to the office for distribution to certified domestic violence facilities according to the formula established by the office pursuant to Section 30-6-7 and this chapter.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:41 A.M.

Act No. 99-590

H. 566 – Rep. Gipson

AN ACT

To amend Act 91-635, 1991 Regular Session (Acts 1991, p. 1193), as amended by Act 97-645, 1997 Regular Session (Acts 1997, p. 1188), relating to the issuance and sale of bonds by the State Industrial Development Authority, to remove the

limitation on the amount to be issued and sold within any two-year period and to provide further for the use of grants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and Section 3 of Act 91-635, 1991 Regular Session (Acts 1991, p. 1193) as amended by Act 97-645, 1997 Regular Session (Acts 1997, p. 1188), is amended to read as follows:

“Section 2. Authorization to Issue Additional Bonds; Exemption from Usury Laws. In addition to all powers heretofore conferred on it by Acts heretofore enacted by the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized to sell and issue its bonds, not exceeding one hundred million dollars (\$100,000,000) in aggregate principal amount, for the purposes of making the grants of money authorized in Section 3 hereof and to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged; provided there shall not be more than forty million dollars (\$40,000,000) in aggregate principal amount of such bonds, in addition to bonds heretofore issued by the Authority, outstanding at any one time, but excluding for this purpose refunding bonds, which shall not be considered in determining such limit. The bonds authorized hereby may be sold in one or more series.

It is further provided that the Authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.”

“Section 3. Authorization to Make Grants of Money. The Authority is hereby authorized to make grants of money derived from the sale of its bonds, to grantees for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable project sites in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (3) the preparation of project sites; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities. Provided, however, that 20 percent of grant funds shall be expended specifically in rural areas of the state and/or areas with high unemployment and low personal income levels. The Director of the State Industrial Development Authority shall report annually to the Chairs of the House Ways and Means-General Fund Committee and the Senate Finance and Taxation-General Fund Committee and the Legislative Fiscal Officer the status of all

grants allotted and specifically those grants allotted in rural areas of the state and/or areas with high unemployment and low personal income levels.

Every grant of money made by the Authority, any part of which is made from the proceeds of the Authority's bonds, shall be made subject to the terms and conditions set forth herein, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction.

Each application to the Authority shall set forth the following:

- (a) A description of the qualifying project;
- (b) The estimated capital costs of the qualifying project; and
- (c) Such other information, certification, and agreements as may be required by the Authority to be contained in any application.

Subject to receipt of an application and other required documentation and agreements in form and substance satisfactory to the Authority, the grantee shall, subject to availability of funds, receive grants as follows:

(i) for qualifying projects having capital costs of less than \$200,000, an amount equal to 6 percent of the capital costs of the qualifying project;

(ii) for qualifying projects having capital costs of not less than \$200,000, but less than \$500,000, an amount equal to the greater of \$12,000 or 5 percent of the capital costs of the qualifying project;

(iii) for qualifying projects having capital costs of not less than \$500,000 but less than \$1,000,000, an amount equal to the greater of \$25,000 or 4 percent of the capital costs of the qualifying project;

(iv) for qualifying projects having capital costs of not less than \$1,000,000 but less than \$2,000,000, an amount equal to the greater of \$40,000 or 3 percent of the capital costs of the qualifying project;

(v) for qualifying projects having capital costs of not less than \$2,000,000 but less than \$10,000,000, an amount equal to the greater of \$60,000 or 2 percent of the capital costs of the qualifying project, with a maximum grant of \$150,000;

(vi) for qualifying projects having capital costs of not less than \$10,000,000, but less than \$25,000,000 an amount equal to the greater of \$150,000 or 1.5 percent of the capital costs of the qualifying project; and

(vii) for qualifying projects having capital costs of not less than \$25,000,000, an amount equal to \$375,000.

No such grant or grants shall be made for any part of the anticipated costs of the preparation of a project site, and if made, shall be used, in any case where any person has received or is to receive an option to purchase the project site with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such improvements are to be constructed), or any part of any thereof, from the grantee or any nominal transferee of the grantee for less than the fair market value of such site.

The Authority shall have power to audit the disbursements by the grantees from such grant or grants.

The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-591

H. 567 – Rep. Gipson

AN ACT

To amend Act 91-635, 1991 Regular Session (Acts 1991, p. 1193), as amended by Act 97-645, 1997 Regular Session (Acts 1997, p. 1188), relating to grants by the State Industrial Authority, to allow more discretion in the amounts of the grants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act 91-635, 1991 Regular Session (Acts 1991, p. 1193), as amended by Act 97-645, 1997 Regular Session (Acts 1997, p. 1188), is amended to read as follows:

"Section 3. Authorization to Make Grants of Money. The Authority is hereby authorized to make grants of money derived from the sale of its bonds, to grantees for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable project sites in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify

such labor in terms of skills and educational level; (3) the preparation of project sites; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

“Every grant of money made by the Authority, any part of which is made from the proceeds of the Authority’s bonds, shall be made subject to the terms and conditions set forth herein, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction.

“Each application to the Authority shall set forth the following:

“(a) A description of the qualifying project;

“(b) The estimated capital costs of the qualifying project; and

“(c) Such other information, certification, and agreements as may be required by the Authority to be contained in any application.

“Subject to receipt of an application and other required documentation and agreements in form and substance satisfactory to the Authority, the grantee shall, subject to availability of funds, receive grants as follows:

“(i) for qualifying projects having capital costs of less than \$200,000, an amount up to 6 percent of the capital costs of the qualifying project;

“(ii) for qualifying projects having capital costs of not less than \$200,000, but less than \$500,000, an amount up to the greater of \$12,000 or 5 percent of the capital costs of the qualifying project;

“(iii) for qualifying projects having capital costs of not less than \$500,000 but less than \$1,000,000, an amount up to the greater of \$25,000 or 4 percent of the capital costs of the qualifying project;

“(iv) for qualifying projects having capital costs of not less than \$1,000,000 but less than \$2,000,000, an amount up to the greater of \$40,000 or 3 percent of the capital costs of the qualifying project;

“(v) for qualifying projects having capital costs of not less than \$2,000,000 but less than \$10,000,000, an amount up to the greater of \$60,000 or 2 percent of the capital costs of the qualifying project, with a maximum grant of \$150,000;

“(vi) for qualifying projects having capital costs of not less than \$10,000,000, an amount up to the greater of \$150,000 or 1.5 percent of the capital costs of the qualifying project; and

“(vii) for qualifying projects having capital costs of not less than \$25,000,000, an amount up to \$375,000.

“No such grant or grants shall be made for any part of the anticipated costs of the preparation of a project site, and if made, shall be used, in any case where any person has received or is to receive an option to purchase the project site with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such improvements are to be constructed), or any part of any thereof, from the grantee or any nominal transferee of the grantee for less than the fair market value of such site.

“The Authority shall have the power to audit the disbursements by the grantees from such grant or grants.

“The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-592

H. 256 – Reps. Graham, Mancuso, Spicer, Hall (L), White, Gaston, Grantland, Baker, Warren, McClurkin, Boothe, Vance, Black (M), Martin, Laird, Knight, Millican, Morrison, Page, Hurst, Dean, Letson, Hall (A), Layson, Sanderson, Hilliard, Buskey, Pringle, Hill, Allen, Oden, Gipson, Rogers (J), Robinson (J), Johnson, Beasley and Starkey

AN ACT

Relating to the Penny Trust Fund, to provide definitions; to establish a Board of Control, duties and responsibilities; to establish procedures relating to grants; to amend Sections 41-15A-1, 41-15A-2, 41-15A-11, and 41-15A-12, Code of Alabama 1975, relating to the Penny Trust Fund, to give boards of education more flexibility in the expenditure of Penny Trust Fund monies; to authorize the distribution of promotional materials to state and school employees and students; to update terms, names, and procedures; to establish additional provisions for appropriations and

disbursements; to increase the potential maximum for Buskey Matching Funds; to add a new Section 5-23-6 to the Code of Alabama 1975, relating to the state-sponsored credit card and its benefit to the Penny Trust Fund by providing for the release of names and addresses of school and state employees through the State Comptroller's office, and the release of names and addresses of those who purchase the Helping Schools car tags to inform them and to promote the schools state-sponsored credit card; to provide for audits; and to provide for an effective date on October 1, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the following words shall have the following meanings, respectively, as they apply to Title 41, Chapter 15A of the Code of Alabama 1975:

(1) BOARD. The Board of Control of the Penny Trust Fund, which shall consist of the following officials or their designees:

- a. The Governor.
- b. The State Treasurer.
- c. The State Health Officer.
- d. The State Superintendent of Education.
- e. The State Auditor.

(2) SCHOOL SYSTEM. Any county or city public school system; the Alabama School for Deaf and Blind; the Alabama School of Fine Arts and the Alabama School of Mathematics and Science.

Section 2. The duties of the Board of Control shall include, but not necessarily be limited to, the following:

(1) Elect a chairperson and a secretary of the board from among its membership. Service as the chairperson and secretary shall be for the term of service to which the individual was elected.

(2) Accept applications from any school system choosing to apply for grants from the Penny Trust Fund for use in disease prevention programs in the public schools.

(3) Award grants to school systems which, in the exclusive judgment of the board, best utilize the funds to prevent diseases in the children of the school system making the grant application.

(4) Decline grant applications from school systems which, in the exclusive judgment of the board, do not sufficiently advance disease prevention programs in the children of the school system making the grant application.

(5) Award no grant applications if, in the exclusive judgment of the board, no grant applications are worthy of being awarded.

(6) Inform the State Superintendent of Education which school systems are to receive funds and in those amounts determined by the board.

(7) Review the proposals by the governing authority of the Department of Public Health for the expenditure of its portion of proceeds from the Penny Trust Fund and, if desirable, offer comments and suggestions on the expenditure of the funds.

Section 3. Sections 41-15A-1, 41-15A-2, 41-15A-11, and 41-15A-12, Code of Alabama 1975, are amended to read as follows:

“§41-15A-1.

“The state treasurer is authorized to accept gifts, donations, and bequests from any person, association, company, or corporation wishing to contribute voluntarily to the penny trust fund. Any person, association, company, or corporation may deposit funds in the penny trust fund through the auspices of the state treasurer or in the appropriately designated depository. The state treasurer may seek the voluntary participation of banks, financial institutions, or other businesses in receiving and transferring donations to the penny trust fund. The state treasurer shall promulgate rules and regulations governing the procedures and administration for the voluntary donations, contributions, and transfers to the penny trust fund. Donation and transmittal forms and promotional materials may be developed and distributed as authorized by the state treasurer. It shall be legal and permissible for any agency of the state, including the Teachers’ Retirement System, the State Employees’ Retirement System, the Judicial Retirement System, local or state governing boards of education, and all other instrumentalities of the state to provide a listing of its employees, members, and/or students available through the auspices of the State Comptroller’s office for the distribution and/or mailing of materials promoting the Penny Trust Fund. It shall be legal and permissible for the state, or any department, division, agency, board, bureau, and all other instrumentalities of the state, and local governing boards of education to cause promotional materials to be given to its employees and students in promotion of the Penny Trust Fund.

“§41-15A-2.

“(a) Proceeds from the penny trust fund which are dedicated for the promotion of the public health shall be transmitted once annually by the Comptroller to the Department of Public Health upon application of the State Health Officer and divided as follows:

“(1) Fifty percent for its programs to reduce infant mortality and/or improve child health.

“(2) Fifty percent for its indigent health care programs.

“(b) Proceeds from the penny trust fund which are dedicated for the promotion of the public schools shall be disbursed only to those public school systems making grant applications to the board. The State Comptroller shall transmit monies once annually to the State Board of Education as certified by the secretary of the board to implement the grants approved by the board. The monies shall then be transmitted to the school system or systems for implementation of the approved plan or plans. Revenues received by any school system from the Penny Trust Fund shall not replace or supplant any existing funds or programs from any other source, but shall be expended only on programs for disease prevention as contained in the plan approved by the board.

“§41-15A-11.

“It is the intent of the Legislature to establish state matching monies for contributions received by the State Treasurer for the Penny Trust Fund. The state establishes these matching funds in honor of former Representative John L. Buskey of Montgomery, the House primary sponsor of the Penny Trust Fund in the 1989 Regular Session of the Legislature, and whose untimely death has taken a great advocate of health services for children and the elderly from the people of Alabama. It is the intent of the Legislature that matching monies shall be transferred to the Penny Trust Fund from the State General Fund and the Education Trust Fund for those monies contributed to or deposited into the Penny Trust Fund. It is the intent of the Legislature that these monies shall be on a one-to-one match from both the State General Fund and the Education Trust Fund.

“§41-15A-12.

“(a) The state shall provide matching funds from the Education Trust Fund and the State General Fund for those monies that are deposited into the Penny Trust Fund during each fiscal year. At the beginning of each calendar year, the State Treasurer shall certify to the Director of Finance and the State Comptroller the amount of monies which have been deposited into the Penny Trust Fund during the preceding calendar year. At the end of the fiscal year, in which the certification is made, the State Comptroller shall transfer to the State Treasurer for deposit into the Penny Trust Fund an amount equal to the amount certified from the Education Trust Fund and an amount equal to the amount certified from the State General Fund. The annual budget act for the public schools and colleges and the general fund budget shall contain the appropriation for the Penny Trust Fund as required by this section, and the appropriation shall be styled as

follows: "Penny Trust Fund." Matching funds shall be styled under the heading of the Penny Trust Fund as "Buskey Matching Funds." The Legislature may make additional appropriations which exceed the matching funds, and if included in either the Education Trust Fund annual budget act or the general fund budget, the funds which exceed the matching funds shall be transferred by the State Comptroller to the State Treasurer for deposit into the Penny Trust Fund. It shall be legal and permissible for the Legislature to also make appropriations from the Education Trust Fund in the annual budget act for the public schools for the development and printing of materials to promote the Penny Trust Fund in the public schools and colleges of Alabama. The appropriate chief executive officer of any employer as defined in Section 16-1-18.1 shall subsequently cause the materials to be distributed to the employees and students during the month of February or as provided in the annual budget act for public education. It shall also be legal and permissible for the Legislature to make appropriations from the State General Fund for the development and printing of materials to promote the Penny Trust Fund among all employees of the state. The promotional materials shall be transmitted to the State Comptroller after approval by the State Treasurer. The State Comptroller shall distribute to each payroll clerk in each department, agency, board, bureau, and other divisions of state government the requisite number of promotional materials and the payroll clerk shall distribute the promotional brochures to all employees in their first February paycheck annually in which the materials are made available. The matching funds shall be deposited into the Penny Trust Fund from each respective fund before any conditional funds are disbursed from the Education Trust Fund or the State General Fund.

"(b) The transfer shall not be made if the transfer causes either the Education Trust Fund or the State General Fund to be prorated.

"(c) The maximum amount of matching monies shall not exceed two million dollars (\$2,000,000) from each fund."

Section 4. Section 5-23-6 is added to the Code of Alabama 1975, as follows:

§5-23-6.

It shall be legal and permissible for the financial institution to request and receive from the State Comptroller a listing of all members of the Teachers' Retirement System, the Employees' Retirement System, and the Judicial Retirement System, including the names and addresses of the members on discs, tapes, or other appropriate electronic retrieval systems at actual costs. It

shall also be legal and permissible for the financial institution to receive the names and addresses of all persons who purchase the "Helping Schools" distinctive car tags, if the purchasers of the tags have not signed forms disallowing the release of their names and addresses as provided by federal regulations. The financial institution may use the information only for informational or promotional purposes, or both, pertaining to the Alabama state-sponsored credit card programs as provided by this chapter.

Section 5. Expenditure of funds by the State Health Department and school systems shall at all times be subject to audit by the State Auditor and examination by the Examiners of Public Accounts. Any misexpenditure of funds by any individual shall, upon conviction in a court of competent jurisdiction, consist of a Class B misdemeanor and subject to the penalties therefor.

Section 6. This act shall become effective on October 1, 1999, following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 11:15 A.M.

Act No. 99-593

H. 674 – Rep. Guin

AN ACT

To amend Section 9-16-91, Code of Alabama 1975, relating to the duty of underground coal mine operators to repair, replace, or compensate surface owners for material damages to occupied dwellings and associated structures, to protect the public health and welfare by regulating damage caused by subsidence from underground mining; and to clarify and establish exclusive remedies available to surface owners for subsidence caused damages.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-16-91, Code of Alabama 1975, is amended to read as follows:

"§9-16-91.

"(a) The regulatory authority shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, and embodying the following requirements. In adopting any rules and regulations, the regulatory authority shall consider all distinct differences between surface coal mining and underground coal mining.

"(b) Each permit issued pursuant to this article and relating to underground coal mining shall require the operator to:

"(1) Adopt measures consistent with available technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining methods used requires planned subsidence in a predictable and controlled manner. Nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining.

"(2) Seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations.

"(3) Fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations.

"(4) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade waters below water quality standards established pursuant to applicable federal and state law surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section.

"(5) Design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to the regulatory authority's regulations, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments.

"(6) Establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area.

"(7) Protect offsite areas from damages which may result from such mining operations.

"(8) Eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public.

"(9) Minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the

quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by doing each of the following activities:

“a. Avoiding acid or other toxic mine drainage by such measures as, but not limited to, the following:

“1. Preventing or removing water from contact with toxic producing deposits.

“2. Treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses.

“3. Casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters.

“b. Conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream-flow or runoff outside the permit area (but in no event shall such contributions be in excess of requirements set by applicable state or federal law), and avoiding channel deepening or enlargements in operations requiring the discharge of water from mines.

“(10) With respect to other surface impacts not specified in this subsection including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under Section 9-16-90 for such effects which result from surface coal mining operations. The regulatory authority shall make modifications in the requirements imposed by this subdivision as are necessary to accommodate all distinct differences between surface and underground coal mining.

“(11) To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable.

“(12) Locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

“(c) In order to protect the stability of the land, the regulatory authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or

commercial buildings, major impoundments, or permanent streams if it finds imminent danger to inhabitants of the urbanized areas, cities, towns and communities.

“(d) The provisions of this article relating to permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate all distinct differences between surface and underground coal mining. The regulatory authority shall promulgate such modifications in accordance with the rulemaking procedures established in Section 9-16-75.

“(e) Underground coal mining operations conducted after the effective date of Act 98-140 shall comply with each of the following requirements:

“(1) Promptly repair or compensate for material damage to any occupied residential dwelling and related structures or any noncommercial building caused by surface subsidence resulting from underground coal mining operations. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged occupied residential dwelling and related structures or noncommercial building. Compensation shall be provided to the owner of the damaged occupied residential dwelling and related structures or noncommercial building which shall be in the full amount of the diminution in value resulting from subsidence caused damage. Compensation may be accomplished by the purchase, prior to mining, of a non-cancelable premium-prepaid insurance policy.

“(2) Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface mining and reclamation permit, which has been affected by contamination, diminution, or interruption resulting from underground coal mining operations. Nothing in this section shall be construed to prohibit or interrupt underground coal mining operations.

“(3) Promptly correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses that it was capable of supporting before subsidence.

“(4) The regulatory authority shall issue such notices or orders and take such actions as necessary to compel compliance with these requirements.

“(f) Notwithstanding any other provision in this chapter to the contrary, the remedies prescribed in this section or any rule promulgated under authority of this chapter pertaining to repair or compensation for subsidence damage and replacement of water shall be the sole and exclusive remedies available to the owner for such damage and its effects. Neither punitive damages nor, except as specifically prescribed in this section or any rule promulgated under authority of this chapter pertaining to repair or compensation for subsidence damage and replacement of water, compensatory damages shall be awarded for subsidence damage caused by longwall mining or other mining process employing a planned subsidence method and conducted in substantial compliance with a permit issued under authority of this chapter. Nothing in this chapter shall prohibit agreements between the surface owner and the mineral owner or lessee that establish the manner and means by which repair or compensation for subsidence damage is to be provided. However, the remedies prescribed for subsidence damage shall not be diminished or waived by contrary provisions in deeds, leases, or documents (other than such subsidence damage agreements) which leave the owner without such prescribed remedies. Provided, however, the provisions of this subsection do not apply to any actions brought for, and in which the trier of the fact finds, intentional, willful, or wanton conduct; provided further, that conduct in substantial compliance with applicable mining permits may not be deemed to be intentional, willful, or wanton.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 18, 1999

Time: 2:30 P.M.

Act No. 99-594

H. 546 – Reps. Curry, Sanderson,
Newton (D), Rogers (J),
Carns, Hawkins, Dunn,
Perdue, Gaines, Morton,
Hilliard, Parker (W),
Major, Houston,
Robinson (O), Beason,
Humphryes and Payne

AN ACT

Relating to Jefferson County; decreasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the "Pistol Permit Reduction Act of 1999" for Jefferson County.

Section 2. In Jefferson County, the total fee for issuance of a permit to carry a pistol as provided by Section 13A-11-75, Code of Alabama 1975, shall be seven dollars and fifty cents (\$7.50) per year. The fee shall be paid by the sheriff to the county treasurer and the county treasurer shall distribute the seven dollars and fifty cents (\$7.50) as follows:

(1) Four dollars and fifty cents (\$4.50) shall be distributed to the retirement system established by Act 551 of the 1953 Regular Session.

(2) Fifty cents (\$.50) shall be distributed to the Jefferson County Sheriff's Fund.

(3) Two dollars and fifty cents (\$2.50) shall be distributed to the Jefferson County Legislative Delegation Office. Of this amount two dollars (\$2) or the portion needed thereof shall be spent for the operation of the legislative office located in Birmingham, and fifty cents (\$.50) shall be used for the operation of the legislative office located in Bessemer.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 19, 1999

Time: 9:00 A.M.

Act No. 99-595

H. 390 – Rep. Turner

AN ACT

To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources, intentionally and knowingly, without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as and may be cited as the "Alabama Underwater Cultural Resources Act."

Section 2. As used in this act, the following terms shall have the following meanings:

(1) **COMMISSION.** The Alabama Historical Commission, acting as the custodian of cultural resources for the State of Alabama.

(2) **CONTRACTOR.** Any individual, company, corporation, private or public institution determined by the commission to be appropriately qualified, that has applied for and received a permit or contract from the commission to begin exploration or excavation activities in state-owned waters.

(3) **CULTURAL RESOURCES.** All abandoned shipwrecks or remains of those ships and all underwater archaeological treasures, artifacts, treasure troves, or other cultural articles and materials, whether or not associated with any shipwreck, that are contained in or on submerged lands belonging to the State of Alabama and the sea within the jurisdiction of the state, and that have remained unclaimed for more than 50 years, excluding therefrom sunken logs, cants, and timber resources of any other type not associated as part of a shipping vessel, and are eligible for, or listed in, the National Register of Historic Places or the Alabama Register of Landmarks and Heritage.

(4) **EXCAVATION.** The study and intentional removal from submerged land belonging to the state, by accepted scientific methods, of any objects recognized as cultural resources.

(5) **EXPLORATION.** The systematic examination by actual survey of an area of submerged land belonging to the state for the purpose of locating and recognizing cultural resources.

(6) **SUBMERGED LANDS.** Lands under navigable waterways owned or controlled by the State of Alabama.

"(7) **TREASURE TROVE.** Any gold bullion, gold ingots, gold dust, silver bars, and other precious metals or stones.

Section 3. (a) All cultural resources as defined herein are declared to be state cultural resources subject to the exclusive dominion and control of the State of Alabama.

(b) Cultural resources shall not be taken, damaged, destroyed, salvaged, excavated, or otherwise altered without a prior contract or permit obtained through the commission, which is designated as the official custodian of state cultural resources within the jurisdiction of the State of Alabama; provided, however, that issuance of any contract or permit shall also be subject to the prior written

approval of the Commissioner of Conservation and Natural Resources.

Section 4. (a) The commission , in coordination with the Department of Conservation and Natural Resources, shall develop and implement a management plan for cultural resources. The commission may appoint an advisory committee to assist the commission in the development and implementation of a management plan for cultural resources, and to advise the commission with respect to needed rules or regulations. The commission , in coordination with the Department of Conservation and Natural Resources, may promulgate, in accordance with the state Administrative Procedure Act and in the best interest of the state, any rule or regulation necessary to implement this act ; provided however, that the rules and regulations shall be subject to the approval of the director of the commission and the Commissioner of Conservation and Natural Resources. The rules and regulations shall have the force and effect of law.

(b) These regulations shall include, but not be limited to, any of the following:

(1) The classification of historic maritime and submerged resources.

(2) Contracting or permitting for various activities.

(3) Establishing a repository or repositories for holding the ships, artifacts, treasure troves, or other cultural artifacts and materials recovered in the areas stipulated in this act.

(4) Methods of enforcement of this act and rules and regulations promulgated hereunder.

Section 5. (a) Any qualified individual, company, corporation, or public institution desiring to conduct any type of exploration or excavation of cultural resources shall first make application to the commission for a permit or contract to conduct the operation. If the commission finds that the granting of a permit or contract is in the best interest of the state, it may , subject to the other provisions of this act, grant the applicant a permit or contract for a period of time and under those terms and conditions as the commission considers to be in the best interest of the state.

(b) Holders of permits or contracts shall be responsible for obtaining permission of any federal agencies having jurisdiction, including, but not limited to, the United States Department of the Navy and the United States Army Corps of Engineers, prior to conducting those activities.

(c) Permits or contracts may be issued or made for any of the following activities, without limitation:

- (1) Recreational diving permit or contract.
- (2) Exploration and evaluation permit or contract.
- (3) Excavation and recovery permit or contract.

Section 6. The commission may restrict, when necessary, as determined in writing in the sole discretion of the Commissioner of Conservation and Natural Resources, the activities of commercial fishing vessels in or around known underwater cultural resources when the likelihood of damage to or any alterations of the cultural resources is deemed evident. The restricted area shall encompass only the immediate area of the resource so as not to unduly disrupt fishing operations.

Section 7. (a) Any funds received by the commission under the terms and conditions of permits or contracts made pursuant to this act shall be placed in funds maintained in the State Treasury.

(b) The commission shall, pursuant to its rulemaking power, provide a procedure for the sale at public auction of any articles seized pursuant to this act, with the proceeds going to the the State General Fund to be appropriated by the Legislature.

Section 8. (a) A person commits the crime of theft or disturbance of a cultural resource protected by the commission if the person does either of the following:

(1) Intentionally and knowingly removes, alters, disturbs, or destroys any cultural resource without the prior written authorization of the commission by permit or contract.

(2) Knowingly buys, receives, conceals, aids in the concealment of, or possesses any illegally obtained cultural resources as defined in subsection (a).

(b) Intentional and knowing theft or disturbance of a cultural resource having a value of less than one thousand dollars (\$1,000) shall constitute a Class A misdemeanor and be punishable, upon conviction, as provided by law.

(c) Intentional and knowing theft or disturbance of a cultural resource with a value of one thousand dollars (\$1,000) or more shall constitute a Class C felony and shall be punishable, upon conviction, as provided by law.

Section 9. In all cases of arrest and conviction under Section 8, all boats, instruments, and other equipment used directly in connection with the offenses are declared to be contraband and

shall be seized and brought before the court having jurisdiction of the offense for proper disposal.

Section 10. All law enforcement agencies and officers, state and local, shall assist the commission in the enforcement of this act.

Section 11. (a) Notwithstanding any other provisions of this act to the contrary, no contract with or permit from or fee paid to the commission shall be required for activities performed pursuant to United States Army Corps of Engineers' permits, including general permits.

(b) Notwithstanding any other provisions of this act to the contrary, any violation of this act caused by activities conducted for purposes not related to the exploration, excavation, or salvaging of cultural resources may be cured and any otherwise applicable crimes, penalties, or seizures will no longer apply if the activities in violation of this act are halted as soon as practicable after notice from the commission and an application for any contract or permit determined to be necessary is submitted to the commission.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 13. This act shall be construed in pari materia with Section 41-9-249.1, Code of Alabama 1975.

Section 14. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 19, 1999

Time: 9:00 A.M.

Act No. 99-596

S.J.R. 95 – Senator Sanders

SENATE JOINT RESOLUTION

CREATING THE GOVERNOR'S COMMISSION ON INSTRUCTIONAL IMPROVEMENT AND ACADEMIC EXCELLENCE IN ALABAMA'S PUBLIC SCHOOLS.

WHEREAS, the State Board of Education has adopted extremely high requirements for high school graduation, and

WHEREAS, an educated and quality workforce is essential for economic development in the State of Alabama, and

WHEREAS, the students required to pass the high graduation requirements deserve the best instructional preparation available to allow them to excel,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Governor's Commission on Instructional Improvement and Academic Excellence in Alabama's Public Schools. The Commission shall be composed of fifteen members. The Governor shall appoint 6 members and the Lieutenant Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the House of Representatives, the Chair of the Senate Committee on Finance and Taxation-Education, the Chair of the House Ways and Means Committee-Education, the Chair of the Senate Education Committee, the Chair of the House Education Committee and the State Superintendent of Education shall each appoint one member. The Commission shall elect a chair and vice chair at its first meeting, which shall be called by the Governor. The Commission shall adopt its own rules of procedure.

The Commission shall study all facets of instruction and academic practices and make specific recommendations for the improvement of instruction in the public schools to the Governor and the Legislature on or before February 1, 2000 at which time the Commission shall be dissolved. The Commission's study shall include, but not be limited to:

(1) the evaluation of instructional techniques including techniques that recognize that students learn in different ways and that each student must be taught in the manner in which he or she can learn most effectively.

(2) recommendations as to how to instill in teachers, administrators and other instructional leaders the expectation that all students can learn at higher academic levels.

(3) the evaluation of the student achievement assessment process and recommendations for the use of norm-referenced and/or criteria-referenced tests to measure students' mastery of the statewide courses of study in mathematics, science, English, reading, and social studies to insure that all students have an opportunity to complete a rigorous education program and successfully complete the high school graduation requirements and the high school exit exam.

(4) to review the system of professional development for teachers and administrators and recommendations for creating and implementing professional development plans to improve teaching methods and techniques including the creation and use of individualized learning plans for improving student performance.

(5) the evaluation of the systems of identifying and assisting at-risk students, including the definition of at-risk student, and

recommendations for creating and implementing programs for early identification of at-risk students and for delivery of effective programs to remove students from the at-risk category.

(6) the evaluation of instructional technology resources available to public schools from all sources and recommendations for the coordination of technological resources to improve learning.

(7) the exploration of ways technology can best be utilized to allow students to learn at higher levels and in individualized ways.

(8) the development of an approach for the utilization of instructional technology which is not vendor driven.

(9) recommendations as to how to involve parents, community leaders and community volunteers to improve instruction, to mentor students and to insure school safety.

(10) the evaluation of successful instructional programs, both within and outside Alabama, and recommendations for the adaptation of those programs to other Alabama public schools.

Each member of the Commission shall be entitled to per diem at the rate paid to state employees for each day he or she attends a meeting of the Commission. Such expenses shall be paid by the State Comptroller from funds appropriated to the State Department of Education, provided however, the expenses of the Commission shall not exceed \$10,000. The Commission shall have access to consultants and the payment for their services may be paid from the aforementioned funds. Any consultants hired by the Commission must have a background in conducting similar, successful studies and at least three years experience with the indicated subject matter. The Governor's Office and the State Department of Education shall provide clerical, technical and research assistance to the Commission at its request. Nothing in this resolution is intended to result in the reduction of academic standards.

Approved June 19, 1999

Time: 9:00 A.M.

Act No. 99-597

H. 387 – Rep. Gipson

AN ACT

To provide for a scrap tire license and require that all scrap tire handlers obtain an annual license; to require that all scrap tire handlers dispose of scrap tires pursuant to this act; to require all scrap tire handlers to maintain records regarding the receipt and disposal of scrap tires; to provide an exemption from the license requirements for governmental entities, innocent landowners, and individuals; to provide

that governmental entities and individuals comply with the provisions regarding receipt and disposal of scrap tires; to provide for the enforcement and penalties for violations; and to create a Scrap Tire Study Commission to develop plans for the environmentally safe removal of existing scrap tire piles found in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act, the following terms shall have the following meanings:

(1) **COMMISSION.** The Scrap Tire Study Commission created under Section 10.

(2) **COUNTY ENFORCEMENT OFFICER.** The person appointed by the county commission of each county to enforce this act, and any deputy enforcement officers enforcing this act under the supervision of the county enforcement officer.

(3) **FLEET TIRE RECEIVER.** Any person, company, corporation, or governmental entity who, in the regular course of business: (i) owns and operates a fleet of vehicles for business purposes; (ii) on business premises or on business-owned property, conducts the repair and maintenance, including the repair or replacement of tires, on fleet vehicles or vehicles owned by a person or company that is related through corporate affiliation or employment; and (iii) is responsible for disposal of all scrap tires received by the person, company, corporation, or governmental entity.

(4) **GOVERNMENTAL ENTITY.** The State of Alabama, any incorporated municipality in Alabama, and any county in Alabama, and any department, agency, board, or commission of the state, any municipality, or county, including school boards, and any public corporations identified by statute as providing a governmental function.

(5) **INNOCENT LANDOWNER.** Any person, company, corporation, or governmental entity holding an interest in real property upon which scrap tires are discarded illegally or without specific permission from the holder of the real property interest.

(6) **PERSONAL USE DISPOSER.** An individual, business, or agricultural enterprise disposing of scrap tires removed from a vehicle owned and used by that individual, business, or agricultural enterprise. An individual, business, or agricultural enterprise who in a 12-month period disposes of more than one tire per rim for each vehicle registered to that individual, business, or agricultural enterprise is not a personal use disposer under this act.

(7) **PROPERLY PERMITTED.** A scrap tire collection facility that is operating in compliance with the rules and regulations issued by the Alabama Department of Public Health or the

Alabama Department of Environmental Management, or both departments, and that has been issued and maintains any operating permits required by law or regulation.

(8) **RETREAD OR RETREADED TIRE.** A used tire casing which has been removed from the rim of a vehicle and which has or will receive a new covering of tread for reuse or resale.

(9) **SCRAP TIRE.** A tire that is not on the wheel of a vehicle and is no longer suitable for its original intended use due to wear, damage, defect, or deviation from the manufacturer's specifications, but shall not include a retread tire.

(10) **SCRAP TIRE COLLECTION FACILITY.** Any person, company, or corporation that receives or collects, or both, scrap tires or retreads at a facility set up for the disposal of such tires or for retreading, including any landfills that accept scrap tires, through storage, reuse, recycling, or otherwise pursuant to and under any rules and regulations which are or may be promulgated by the Alabama Department of Public Health, the Alabama Department of Environmental Management, or the laws of this state, and any facility receiving tires for the purpose of utilizing tire-derived fuel.

(11) **SCRAP TIRE LICENSE.** A license issued pursuant to this act.

(12) **SCRAP TIRE RECEIVER.** Any person, company, or corporation, who in the regular course of business receives, as a trade-in or otherwise, scrap tires as defined in this section. A scrap tire receiver shall include, but not be limited to, any person, company, or corporation engaged in the business of selling, receiving, or distributing new or used tires in the State of Alabama, whether at retail or wholesale, and whether or not the sale or distribution of tires is the principal purpose of the business; and any person, company, or corporation engaged in the repair or servicing of vehicles which offers as one of its services, the sale, installation, or replacement of new or used tires. A scrap tire receiver shall not include a fleet tire receiver.

(13) **SCRAP TIRE TRANSPORTER.** Any person, company, or corporation, who in the regular course of business, collects or receives, or both, scrap tires for transportation and delivery to a scrap tire collection facility, but not including any fleet tire receiver.

(14) **VIOLATION.** A violation of this act shall include, but not be limited to, any of the following actions or circumstances:

a. The failure to obtain a scrap tire license where required by this act.

b. The failure to properly display the scrap tire license or to present the license upon request as required by this act.

c. The disposal or attempted disposal of scrap tires in a manner other than that prescribed by this act.

d. The attempted transfer or disposal of scrap tires as a personal use disposer, fleet tire receiver, or innocent landowner where the individual or business transferring or disposing of scrap tires does not meet the definition of a personal use disposer, fleet tire receiver, or innocent landowner.

e. The transfer or attempted transfer of scrap tires in a manner other than that prescribed by this act.

f. The failure to properly maintain scrap tire records or the failure to make the scrap tire records available to the county enforcement officer as prescribed by this act.

g. The improper removal or theft of tires from a fleet tire receiver, scrap tire receiver, a scrap tire transporter, or a scrap tire collection facility.

Section 2. (a) Beginning on October 1, 1999, in addition to any other licenses required under the laws of this state, all scrap tire receivers and all scrap tire collection facilities doing business in this state shall annually obtain a scrap tire license in each county in which the business is located or operates. Any business with more than one location within a county shall maintain a separate license for each location. The fee for each annual scrap tire license issued to any scrap tire receiver or scrap tire collection facility in a county shall be twenty-five dollars (\$25) per year. Except as otherwise provided in this act, the procedures for purchasing such license shall be as set out in Article 1 of Chapter 12, Title 40, Code of Alabama 1975.

(b) Beginning on October 1, 1999, all scrap tire transporters doing business in the State of Alabama, whether or not the business is physically located in the state, shall be required to obtain an annual license for each vehicle used for the transportation of scrap tires within the state. The license shall be issued in the county of the scrap tire transporter's principal place of business, but shall authorize the statewide collection and transportation of scrap tires. A scrap tire transporter whose principal place of business is outside of Alabama shall purchase his or her license in one of the counties in Alabama where he or she regularly collects or disposes of scrap tires. Each vehicle licensed under this section shall be issued a decal displaying the license number, which shall be affixed to the lower right hand corner of the vehicle's windshield at all times. Additionally, a copy of the license shall be kept

inside the vehicle at all times. The fee for an annual license for a vehicle transporting scrap tires shall be twenty-five dollars (\$25) per year; however, if a scrap tire transporter business has more than one vehicle transporting scrap tires, the fee for each additional vehicle shall be ten dollars (\$10) per vehicle. Except as otherwise provided in this act, the procedures for purchasing such license shall be as set out in Article 1 of Chapter 12, Title 40, Code of Alabama 1975.

(c) Beginning on October 1, 1999, except for governmental entities, all fleet tire receivers doing business in the State of Alabama shall annually obtain a scrap tire license in the county of incorporation, the principal place of business in Alabama, or the principal place of fleet operations. The license shall be two hundred fifty dollars (\$250) annually, and shall be valid in each business location within the state where fleet operations are conducted, provided a copy of the license is made available at each location. Except as otherwise provided in this act, the procedures for purchasing such license shall be as set out in Article 1 of Chapter 12, Title 40, Code of Alabama 1975.

(d) All governmental entities shall be exempt from the licensure requirements of this act, but shall be required to comply with all other provisions of this act, including the record-keeping provisions for fleet tire receivers, scrap tire receivers, transporters, and collection facilities.

(e) A personal use disposer or innocent landowner shall not be required to obtain a scrap tire license, but shall be required to comply with all provisions of this act regarding the receipt, transportation, and disposal of scrap tires.

(f) The application for any scrap tire license shall be on a form prescribed by the Commissioner of the Department of Revenue, and shall include, at a minimum, all of the following information:

(1) The business name or names under which the business operates.

(2) The address and telephone number where the principal place of business or home office is located.

(3) The address and telephone number of each business location within the county, or if the application is for a fleet tire receiver license, each location where fleet operations are conducted.

(4) The business location where scrap tire records will be maintained and available to the county enforcement officer and the name or title of the employee to contact regarding such records.

(5) A description of the business purpose, particularly as it relates to the acquisition, collection, or disposal of scrap tires.

(6) If the license application is for a scrap tire transporter, a vehicle description, vehicle identification number, vehicle license number, and the name of the licensed vehicle owner for each vehicle used by the business for transporting scrap tires.

(7) If the license is for a scrap tire collection facility, a copy of any operating permit required by the Department of Public Health or the Department of Environmental Management or by both departments.

(g) Prior to making application for a scrap tire license, all scrap tire transporters and scrap tire collection facilities shall post bond in an amount to be set by the county commission in the county where application is made. Proof of the bond shall be presented at the time of application for a scrap tire license. Each scrap tire license shall identify the category of business for which the license is issued as follows: "Scrap Tire License-Scrap Tire Receiver," "Scrap Tire License-Scrap Tire Transporter," or "Scrap Tire License-Scrap Tire Collection Facility," or "Scrap Tire License-Fleet Tire Receiver."

(h) Except as otherwise provided in Section 8, the provisions of Article 1 of Chapter 12, Title 40, Code of Alabama 1975, regarding the collection and distribution of license fees and delinquent charges shall be applicable; provided, however, that all fees and penalties paid into the county general fund shall be deposited into a special fund to be used as determined by the county commission for the administration and enforcement of this act. The fees and penalties paid to the state shall be continually appropriated and paid over to the Alabama Department of Public Health to be expended only for the administration and enforcement of the act, for scrap tire remediation, or for any expenses associated with the Scrap Tire Study Commission. All expenditures of funds appropriated to the state shall be made pursuant to guidelines established by the Scrap Tire Study Commission during its existence and thereafter as determined by the Alabama Department of Public Health. The official issuing the license shall forward a copy of the license to the county health department and the county enforcement officer within 10 days of issuance.

(i) Within 30 days of the effective date of this act, the licensing official in each county shall post notice of the effective date of the licensing requirements in a conspicuous place in the office where business licenses are purchased. The notice shall advise that all businesses collecting, receiving, or disposing of scrap tires shall be required to obtain a scrap tire license beginning October 1, 1999.

The county health officer and the Alabama Department of Environmental Management shall post a similar notice in a public location in all state and county offices.

Section 3. All scrap tire receivers and scrap tire collection facilities shall conspicuously display the scrap tire license in each business location at all times. Each scrap tire transporter shall display a valid scrap tire license decal in the lower right hand corner of the vehicle's windshield and shall at all times keep the license or a copy of the license in the vehicle. The decal shall be prima facie evidence that the transporter has a valid scrap tire license. However, upon request, the transporter shall present the actual license for inspection to a fleet tire receiver, innocent landowner, scrap tire receiver, a scrap tire collection facility, or the county enforcement officer for any county in this state.

Section 4. (a) On and after January 1, 2000, all scrap tires disposed of in this state, including the scrap tires of a personal use disposer, fleet tire receiver, innocent landowner, or any governmental entity, shall be disposed of by deposit at a properly permitted scrap tire collection facility licensed pursuant to this act. Any person or business found disposing of scrap tires in a manner other than as prescribed in this act; any person or business other than a personal use disposer or innocent landowner found receiving or collecting scrap tires at an unlicensed location; and any person found removing scrap tires from a fleet tire receiver, scrap tire receiver, scrap tire transporter, or scrap tire collection facility without the specific permission from the fleet tire receiver, scrap tire receiver, scrap tire transporter, or scrap tire collection facility shall be subject to the fines and penalties set out in Section 8.

(b) A fleet tire receiver, scrap tire receiver, innocent landowner, or personal use disposer shall only release scrap tires to a licensed scrap tire transporter; provided, however, that the fleet tire receiver, scrap tire receiver, innocent landowner, or personal use disposer, or an employee or agent thereof, may personally transport scrap tires to a licensed and properly permitted scrap tire collection facility. The scrap tire receiver may charge its customers a scrap tire disposal fee. The fee shall only be assessed against persons actually depositing tires with a scrap tire receiver for proper disposal pursuant to this act. The fleet tire receiver, scrap tire receiver, innocent landowner, or personal use disposer may require all scrap tire transporters to produce a valid scrap tire license and shall not release any tires to a transporter unless the vehicle used for transporting the tires is displaying a valid scrap tire license decal. A fleet tire receiver, scrap tire receiver, or innocent landowner or his or her employee or agent who personally delivers scrap tires to a licensed and properly permitted scrap tire collection

facility shall require the scrap tire collection facility to produce a valid scrap tire license, and shall not deposit any scrap tires at the facility unless a valid scrap tire license is presented.

(c) A scrap tire transporter shall only accept scrap tires from a licensed scrap tire receiver or a licensed fleet tire receiver, except that a transporter may accept tires from a personal use disposer, innocent landowner, or from a governmental entity. All scrap tire transporters shall only deposit scrap tires to a licensed and properly permitted scrap tire collection facility. The scrap tire transporter shall require the scrap tire collection facility to produce a valid scrap tire license and shall not deposit any tires at a collection facility unless such license is presented.

(d) A licensed and properly permitted scrap tire collection facility may receive tires from any sources.

Section 5. (a) All scrap tire receivers and fleet tire receivers shall maintain scrap tire records, which shall be made available to the county enforcement officer during business hours upon five business days' notice to the employee identified on the scrap tire license application as the contact person regarding scrap tire records. Invoices or shipping papers maintained by the scrap tire receiver or fleet tire receiver shall be sufficient to satisfy the requirement to maintain scrap tire records, provided the invoices or shipping papers include all of the information required in (b) and (c) below. All scrap tire records shall be maintained for a minimum of three years. If the scrap tire receiver obtains scrap tires from an unlicensed person such as a personal use disposer, an innocent landowner, or a governmental entity, the scrap tire receiver shall record the name of the party delivering tires to the scrap tire receiver and date the tires are received. The scrap tire receiver shall not be required to record the receipt of scrap tires obtained in the regular course of business, such as the receipt of scrap tires from a customer purchasing new tires from the scrap tire receiver.

(b) On any occasion that a scrap tire receiver or fleet tire receiver or his or her employee or agent personally deposits scrap tires at a scrap tire collection facility, that fact shall be so stated in the scrap tire records, along with all of the following information:

(1) The date on which scrap tires were deposited to a scrap tire collection facility.

(2) The name and business address of each scrap tire collection facility where the tires were deposited.

(3) The scrap tire license number of the scrap tire collection facility.

(4) The name and title of the person who actually transported the tires to the scrap tire collection facility.

(5) The approximate number of tires transported to and deposited at the scrap tire collection facility.

(c) On any occasion that a scrap tire receiver or fleet tire receiver releases scrap tires to a licensed scrap tire transporter for deposit at a scrap tire collection facility, that fact shall be so stated in the scrap tire records, along with all of the following information:

(1) The date on which scrap tires were released to the scrap tire transporter.

(2) The approximate number of tires released to a scrap tire transporter.

(3) The name and business address of the scrap tire transporter who received the tires.

(4) The scrap tire license number of the scrap tire transporter receiving the tires.

(5) The name and business address of the scrap tire collection facility where the scrap tire transporter stated the disposal of scrap tires would be made.

Section 6. (a) All scrap tire transporters shall maintain scrap tire records for each vehicle transporting scrap tires, which shall be made available to the county enforcement officer during business hours upon five business days' notice to the employee identified on the scrap tire license application as the contact person regarding scrap tire records. Invoices or shipping papers maintained by the scrap tire transporter shall be sufficient to satisfy the requirement to maintain scrap tire records, provided the invoices or shipping papers include all of the requisite information listed below. All scrap tire records shall be maintained for a minimum of three years.

(b) On any occasion that a scrap tire transporter collects tires to be delivered to a collection facility for disposal, that fact shall be so stated in the scrap tire records along with all of the following information:

(1) The date on which tires were collected for transportation.

(2) The approximate number of tires received at each location where tires were collected.

(3) The name, business address, and scrap tire license number of each location where scrap tires were collected.

(4) The date on which the scrap tires were deposited at a licensed scrap tire collection facility and the approximate number of tires deposited on each date.

(5) The name, business address, and scrap tire license number of each scrap tire collection facility where the scrap tires were deposited.

(6) If any scrap tires are delivered to the scrap tire transporter by a personal use disposer, innocent landowner, or a governmental entity, the date of receipt, name of person, innocent landowner, or governmental entity delivering the tires, and the number of tires received from the personal use disposer, innocent landowner, or governmental entity.

Section 7. (a) All scrap tire collection facilities located in Alabama shall maintain scrap tire records, which shall be made available to the county enforcement officer during business hours upon five business days' notice to the employee identified on the scrap tire license application as the contact person regarding scrap tire records. Invoices or shipping papers maintained by the facility shall be sufficient to satisfy the requirement to maintain scrap tire records, provided the invoices or shipping papers include all of the requisite information listed below. All scrap tire records shall be maintained for a minimum of three years.

(b) On any occasion that a scrap tire collection facility receives scrap tires for disposal, that fact shall be so stated in the scrap tire records along with all of the following information:

(1) The date that scrap tires were received.

(2) The name, business address, and scrap tire license number of each scrap tire receiver, scrap tire transporter, or fleet tire receiver delivering tires to the collection facility on that date.

(3) The approximate number of tires received from each scrap tire receiver, scrap tire transporter, or fleet tire receiver delivering tires to the collection facility.

(4) The name, address, and vehicle description of each unlicensed party delivering tires to the scrap tire collection facility, including any personal use disposers, innocent landowners, or governmental entities.

(5) The approximate number of scrap tires received from each unlicensed party, including any personal use disposers, innocent landowners, or governmental entities.

Section 8. (a) This act shall be enforced by the county license inspector, county solid waste officer, county health officer,

a deputy sheriff, or other person appointed by the county commission and may also be enforced by any law enforcement officer, county enforcement officer, or any officer or employee of the Department of Revenue pursuant to the laws of this state and the rules and regulations of the department relating to the enforcement of licenses. In the enforcement of this act, the county enforcement officer shall have all authority granted to the license inspector pursuant to Section 40-12-10, Code of Alabama 1975, and in addition, may investigate any and all reported violations of this act within the county, and may independently monitor all fleet tire receivers, scrap tire receivers, scrap tire transporters, and scrap tire collection facilities within the county for compliance with this act. The county enforcement officer in each county shall share information regarding possible violations in another county with the enforcement officer for that county.

(b) The county enforcement officer may issue citations for any violation of this act, and upon conviction, the violator or violators shall be fined a minimum of three hundred dollars (\$300) for each separate violation. The penalty for failure to obtain a license as required by this act or to properly display a scrap tire license decal on a vehicle used for transporting scrap tires shall be five hundred dollars (\$500).

(c) In addition to the fine assessed under subsection (b), a fine of five dollars (\$5) per tire shall be assessed against any party who transfers, transports, stores, or disposes of scrap tires in violation of this act, which fee shall be in addition to all other penalties assessed under this act or Article 1, Chapter 2, Title 40, Code of Alabama 1975. Any person convicted of disposing of scrap tires in violation of this act shall also be personally and financially responsible for the proper removal of the scrap tires according to this act and any rules or regulations promulgated by the Alabama Department of Public Health and the Alabama Department of Environmental Management.

(d) In addition to the fine assessed under subsection (b), a fine of five dollars (\$5) per tire shall be assessed against any person found removing scrap tires from a fleet tire receiver, scrap tire receiver, scrap tire transporter, or scrap tire collection facility without the specific permission of the fleet tire receiver, scrap tire receiver, scrap tire transporter, or scrap tire collection facility.

Section 9. The fines and penalties collected under Section 8 shall be continually appropriated and distributed as follows:

(1) One-half of all monies collected within a county shall be appropriated and paid over to the Alabama Department of Public Health for the administration and enforcement of this act, for the remediation of scrap tires, and for any expenses associated with

the Scrap Tire Study Commission, with all funds expended pursuant to guidelines established by the Scrap Tire Study Commission during its existence and as thereafter determined by the Alabama Department of Public Health.

(2) One-half of all monies collected within a county shall be retained by that county and deposited into the special fund authorized pursuant to Section 2 to be used as determined by the county commission for the administration and enforcement of this act.

Section 10. (a) There is created a Scrap Tire Study Commission comprised of the following persons:

(1) A representative from the Alabama Department of Public Health appointed by the State Health Officer.

(2) A representative from the Alabama Department of Environmental Management appointed by its director.

(3) A representative from the Department of Conservation and Natural Resources appointed by its commissioner.

(4) A representative from the Alabama Department of Economic and Community Affairs appointed by its director.

(5) A representative appointed by the Alabama League of Municipalities.

(6) A representative appointed by the Association of County Commissions of Alabama.

(7) A representative appointed by the Alabama Tire Dealers Association.

(8) A representative appointed by the Scrap Tire Management Council.

(9) A representative from the scrap tire industry appointed by the Governor.

(10) A representative from the recycling industry appointed by the Lieutenant Governor.

(11) A representative from the environmental community appointed by the Speaker of the House.

(12) A representative of fleet tire receivers appointed by the Business Council of Alabama.

(b) The Scrap Tire Study Commission shall perform all of the following duties:

(1) Study the problem of existing piles of scrap tires found in Alabama.

(2) Research possible methods for removing existing scrap tire piles.

(3) Develop one or more proposals for the environmentally safe removal of existing scrap tire piles and the prevention of similar problems in the future.

(4) Develop programs to stimulate and encourage the environmentally safe end use of scrap tires.

(5) Establish guidelines for the expenditure of funds generated by this act which are appropriated and paid to the state no later than January 1, 2000.

(6) Conduct a survey of appropriate governmental entities and agencies to determine the number and location of existing scrap tire piles in Alabama. The survey shall be completed no later than March 1, 2000.

(7) File a final written report to the Alabama Legislature no later than the 10th legislative day of the 2001 Regular Session, with recommendations for addressing the problems associated with the disposal of scrap tires in Alabama.

(c) The first meeting of the commission shall be called by the representative of the Alabama Department of Public Health no later than August 1, 1999, and at that meeting, the members shall elect a chair and any other officers they deem appropriate. The commission shall meet thereafter at the call of the chair, but no less than bimonthly until such time as the final report is presented to the Legislature. Once the final report is made, the commission shall cease to exist unless the Legislature provides for its continued existence by legislative act. All expenses of the commission shall be paid out of the state's proceeds from the fees and penalties generated under the requirements of this act or other funds appropriated for that purpose.

Section 11. It is intended that the provisions of this act shall be strictly construed and administered to accomplish the public's health interest in eliminating or significantly reducing the number of improperly discarded scrap tires within the state, and to this end, the provisions of this act shall be strictly enforced. Any person or company with information regarding the illegal collection or disposal of scrap tires is strongly encouraged to provide such information to the county enforcement officer to assist in the effective enforcement of the act. Anyone providing information regarding violations of this act to the county enforcement officer or any law enforcement agency shall be immune from any criminal or civil liability for providing the information or for cooperating in an investigation of any possible violations reported.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 19, 1999

Time: 9:00 A.M.

Act No. 99-598

H. 480 – Reps. Carothers and Johnson

AN ACT

Relating to the proceedings for suspensions and revocation of driving motor vehicles for alcohol related offenses; to further provide for more specific language for suspension and revocation proceedings and administrative review and judicial review; to amend Sections 32-5A-301, 32-5A-302, 32-5A-303, 32-5A-304, 32-5A-305, 32-5A-306, 32-5A-307, and 32-5A-308, Code of Alabama of 1975, therefor,

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-5A-301, 32-5A-302, 32-5A-303, 32-5A-304, 32-5A-306, 32-5A-307, and 32-5A-308, Code of Alabama 1975, are amended to read as follows:

“§32-5A-301.

“(a) A law enforcement officer who arrests any person for a violation of Section 32-5A-191 shall within five days after the day of arrest, excluding weekends and state holidays, hand deliver or mail to the department a sworn report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer’s grounds for belief that the person violated Section 32-5A-191, a sworn report of the results of any chemical test which was conducted, a statement if the person refused to submit to a test, and a copy of the citation or complaint filed with the court.

“(b) The report required by this section shall be made on forms supplied by the department or in a manner specified by regulations of the department.

“(c) The department shall not take action on any report not sworn to and not mailed and postmarked or received by the department within five days after the day of arrest excluding weekends and state holidays and the driver license of the person shall be returned.

“§32-5A-302.

“(a) Upon receipt of the report of the law enforcement officer, the director, or his or her agent, shall make the determination described in Section 32-5A-300. If the director, or his or her agent,

determines that the person is subject to driving privilege suspension, the director, or the agent, shall issue a notice of the suspension.

“(b) The notice of suspension shall be mailed to the person at the last known address shown on the department’s record. The notice is deemed received three days after mailing.

“(c) The notice of suspension shall clearly specify the reason and statutory grounds for suspension, the effective date of the suspension, the right of the person to request an administrative review and a hearing, the procedure for requesting an administrative review and a hearing, and the date by which a request for an administrative review is required to be made in order to receive a determination prior to the effective date of the suspension.

“(d) If the director, or his or her agent, determines that the person is not subject to driving privilege suspension, the director, or his or her agent, shall notify the person of the determination.

“§32-5A-303.

“(a) If the chemical test results for a person charged with a violation of Section 32-5A-191 show 0.08 percent or more by weight of alcohol in the blood of the person, or the person refuses a test, the officer, acting on behalf of the director, shall serve a notice of intended suspension personally on the arrested person.

“(b) When serving a notice of intended suspension, the law enforcement officer shall take possession of any driver’s license issued by this state which is held by the person. When taking possession of a valid driver’s license issued by this state, the officer, acting on behalf of the director, shall issue a temporary driving permit which is valid for 30 days after the date of issuance.

“(c) A copy of the completed notice of intended suspension form, a copy of any completed temporary driving permit form, and any driver’s license taken into possession under this section shall be forwarded within five days to the department by the officer.

“(d) The department shall provide forms for notice of intended suspension and for temporary driving permits to law enforcement agencies.

“§32-5A-304.

“(a) A driving privilege suspension shall become effective 45 days after the person has received a notice of intended suspension as provided in Section 32-5A-303, or is deemed to have received a notice of suspension by mail as provided in Section 32-5A-302 if no notice of intended suspension was served.

“(b) The period of driving privilege suspension under this section shall be as follows:

“(1) Ninety days if the driving record of a person shows no prior alcohol or drug-related enforcement contacts during the immediately preceding five years.

“(2) One year if the driving record of a person shows one prior alcohol or drug-related enforcement contact during the immediately preceding five years.

“(3) Three years if the driving record of a person shows two or three alcohol or drug-related enforcement contacts during the immediately preceding five years.

“(4) Five years if the driving record of a person shows four or more alcohol or drug-related enforcement contacts during the immediately preceding five years.

“(5) For purposes of this section, “alcohol or drug-related enforcement contacts” shall include any suspension under this article, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving a motor vehicle while having an unlawful percent of alcohol in the blood, or while under the influence of alcohol or drugs, or alcohol and drugs except that no more than one alcohol or drug-related contact on any one DUI arrest may be considered by the department in determining the period of suspension.

“(c) If a license is suspended under this section for having .08 or more by weight of alcohol in the blood of the person and the person is also convicted on criminal charges arising out of the same occurrence for a violation of Section 32-5A-191, the suspension under this section shall be imposed, but no period of suspension or revocation shall be imposed under Section 32-5A-191. If a license is suspended under this section for having .08 or more by weight of alcohol in the blood of the person and the criminal charge against the person for violation of Section 32-5A-191 is dismissed, nolle prossed, or the person is acquitted of the charge, the director shall rescind the suspension order and remove the administrative suspension from the person’s driving record.

“§32-5A-305.

“(a) The periods of suspension specified by Section 32-5A-304 are intended to be minimum periods of suspension for the described conduct. No driving privilege shall be restored under any circumstances and no license of any classification shall be issued

during the suspension period, except as provided pursuant to subsection (c) of Section 32-5A-304.

“(b) No driving privilege may be restored until all applicable reinstatement fees have been paid.

“§32-5A-306.

“(a) Any person who has received a notice of suspension or a notice of intended suspension under this article may request an administrative review. The request may be accompanied by a sworn statement or statements and any other relevant evidence which the person wants the director, or his or her agent, to consider in reviewing the determination made pursuant to Sections 32-5A-300 and 32-5A-302.

“(b) When a request for an administrative review is made, the director, or his or her agent, shall review the determination made pursuant to Sections 32-5A-300 and 32-5A-302. In the review, the director, or his or her agent, shall give consideration to any relevant sworn statement or other evidence accompanying the request for the review, and to the sworn statement of the law enforcement officer required by Section 32-5A-301. If the director, or his or her agent, determines, by a preponderance of the evidence, that the person drove or was in actual physical control of a motor vehicle with 0.08 percent or more by weight of alcohol in the blood, or the person refused the test, the director, or his or her agent, shall sustain the order of suspension or suspend the driver license or driving privilege of the person if no order of suspension has been issued. If the evidence does not support such a determination, the director, or his or her agent, shall rescind the order of suspension or take no suspension action if an order of suspension has not been issued. The determination by the director, or his or her agent, upon administrative review is final unless a hearing is requested under Section 32-5A-307.

“(c) The director, or his or her agent, shall make a determination upon administrative review prior to the effective date of the suspension order if the request for review is received by the department within 10 days following service of the notice of intended suspension. Where the request for administrative review is received by the department more than 10 days following service of the notice of intended suspension, the director, or his or her agent, shall make the determination within 30 days following the receipt of the request for review.

“(d) A request for administrative review shall not stay the driving privilege suspension or revocation. If the director, or his or her agent, is unable to make a determination within the time limits

specified in subsection (c), the director or agent shall stay the suspension pending the determination.

“(e) The request for administrative review shall be in writing and may be made by mail or in person to the Department of Public Safety, Driver License Division, Montgomery, Alabama. A person may request an administrative review at any time within 90 days of the notice of suspension under Section 32-5A-302 or the notice of intended suspension under Section 32-5A-303.

“(f) A person may request and be granted a hearing under Section 32-5A-307 without first requesting administrative review under this section. An administrative review is not available after a hearing is held.

“§32-5A-307.

“(a) Any person who has received a notice of intended suspension pursuant to Section 32-5A-303 or a notice of suspension pursuant to Section 32-5A-302 where no notice of intended suspension was served may request an administrative hearing. A requests for an administrative hearing shall be in writing and shall be hand delivered or mailed to the Alabama Department of Public Safety, Driver License Division, in Montgomery, Alabama. The request shall be received by the department or be mailed and postmarked within 10 days of the notice of intended suspension issued pursuant to Section 32-5A-303 or the notice of suspension issued pursuant to Section 32-5A-302 where no notice of intended suspension was served. Failure to request an administrative hearing within 10 days shall constitute a waiver of the person’s right to an administrative hearing and judicial review under this article. If the driver’s license of the person has not been previously surrendered, it shall be surrendered at the hearing. A request for a hearing shall not stay the driving privilege suspension.

“(b) The hearing shall be scheduled to be held as quickly as practicable and not more than 30 days after the filing of the request for a hearing. The hearing shall be held at a location designated by the director unless the parties agree to a different location. The department shall provide a written notice of the time and place of the hearing to the party requesting the hearing at least five days prior to the scheduled hearing, unless the parties agree to waive this requirement.

“(c) The hearing shall be before the Director of Public Safety or his or her duly authorized agent. Upon the hearing, the Director of Public Safety or his or her duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon the hearing, the Director of

Public Safety or his or her duly authorized agent shall make a final determination which either rescinds the order of suspension or, for good cause appearing, continues, modifies, or extends the suspension of the licensee. If the hearing is conducted by a duly authorized agent instead of by the Director of Public Safety personally, the determination of the department shall not be final until approved by the Director of Public Safety.

“(d) The sole issues at the hearing shall be whether by a preponderance of the evidence the person drove or was in actual physical control of a motor vehicle with 0.08 percent or more by weight of alcohol in the blood, or whether the person refused a test as provided in Section 32-5-192.

“(e) The decision of the director shall be rendered in writing, and shall be mailed to the person who requested the hearing at their last known address on file with the department.

“(f) If the person who requested the hearing fails to appear without just cause, the right to a hearing shall be waived.

“(g) The procedures set forth in this article shall be the sole and exclusive manner to determine the administration of this article. The Alabama Administrative Procedure Act in Sections 41-22-1 to 41-22-27, inclusive, shall not apply.

“§32-5A-308.

“Within 30 days of the issuance of the final determination of the department following a hearing under Section 32-5A-307, a person aggrieved by the determination shall have the right to file a petition in the circuit court of the county where the arrest was made for judicial review. The appeal shall be taken by serving written notice of the appeal upon the director, which service shall be made by delivering a copy of the notice to the director in Montgomery, Alabama, and filing the original thereof with the clerk of the court to which the appeal is taken. The court shall set the matter for hearing upon 30 days' written notice to the Director of Public Safety. At the hearing, the court may take testimony and examine into the facts of the case. After hearing, the court may either reverse or sustain the final determination of the department. The filing of a petition for judicial review shall not stay the suspension or revocation order.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 19, 1999

Time: 9:00 A.M.

Act No. 99-599

H. 106 – Reps. Wren, White,
Warren and Curry

AN ACT

To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14-1-1.2 of the Code of Alabama 1975, is amended to read as follows:

“§14-1-1.2.

“The department shall be an administrative department responsible for administering and exercising the direct and effective control over penal and corrections institutions throughout this state. An institution over which the department exercises control may not be leased, transferred, or placed under the supervision or management of any nongovernmental entity without first obtaining the consent of the Legislature through the passage of legislation by a majority vote of the membership of each house.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 19, 1999

Time: 9:00 A.M.

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
FIRST EXTRAORDINARY SESSION, 1999

**THERE WERE NO BILLS OR JOINT RESOLUTIONS PASSED
DURING THE FIRST EXTRAORDINARY SESSION OF THE
1999 LEGISLATURE.**

VOL. 2



DON SIEGELMAN, Governor
STEVE WINDOM, Lieutenant Governor
LOWELL BARRON, President Pro-Tem of the Senate
SETH HAMMETT, Speaker of the House
DEMETRIUS NEWTON, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
GREG PAPPAS, Clerk of the House

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
JULY 28, 1998

ORDER

WHEREAS, the Advisory Committee on the Rules of Criminal Procedure has recommended the adoption of a uniform juror questionnaire for use in the selection of jurors in criminal trials; and

WHEREAS, this Court has reviewed that questionnaire;

IT IS, THEREFORE, ORDERED that the "Recommended Uniform Juror Questionnaire," attached as an appendix to this order, be added as Form 111 to the forms following the Alabama Rules of Criminal Procedure; and

IT IS FURTHER ORDERED that the Recommended Uniform Juror Questionnaire shall be added to those forms as of October 1, 1998.

Maddox, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of July, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

APPENDIX

**RECOMMENDED
UNIFORM JUROR QUESTIONNAIRE**

This questionnaire is for use only by the judge and lawyers in selecting a jury. It is not public information. If you need additional space to answer a question, attach additional sheets and number your answers to correspond to the questions.

1. Juror name/number: _____
2. Place of birth: _____ Age _____ Sex: () Male () Female
3. Race: () Caucasian/White () African-American/Black () Hispanic () Other _____
4. Do you: () Own home () Rent home () Rent apartment () Live with friend or relatives () Other _____
5. What cities/states have you lived in during the past five years? _____

6. Marital status: () Single () Married () Divorced () Separated () Widowed. If you are married:

Spouse's employer: _____

Number of years your spouse has worked there? _____

Spouse's title and job responsibilities: _____

Educational background of your spouse, including any degrees or certificates earned:

7. Do you have children? () Yes () No. If yes, please complete the following:

Age Sex School or occupation Live with you? Their level of education

8. Your level of education: Specify the highest grade you completed:

(a) Elementary or high school (1-12) _____ College (1-4 or 5+) _____

(b) If college, what college, what degrees, and what was your major? _____

(c) Have you ever taken any courses in law, law enforcement, criminology, or criminal justice? () Yes () No. If yes, what courses? _____

9. Your present employment status (check all that apply):

() Full-time () Part-time () Retired () Unemployed () Student

() Homemaker

10. Your current or most recent occupation: _____

11. Name of your current or most recent employer, or, if you are a student, your school and major:

12. How long have you been employed by your current or most recent employer? _____

13. What are/were your specific duties and responsibilities on the job? _____

14. Do/Did you supervise other employees? () Yes () No. If yes, how many? _____
15. Do/Did you have responsibility for hiring and firing? () Yes () No.
16. Please list all other occupations and employers you have had for the past 10 years:

17. Have you ever served in the military? () Yes () No. If yes, please complete the following:
Branch: _____ Rank: _____ Dates: From _____ To _____
Duties: _____ Type of discharge: _____
18. What social, civic, professional, trade, union, or other organizations are you affiliated with?

19. Describe any offices you have held in the organizations listed in question 18: _____

20. Have you ever served on a jury before? () Yes () No. How many times? ____
What type of jury: () Grand jury () Civil trial jury () Criminal trial jury
21. If you have served on a trial jury, please state the following:
Year served: _____
City and state where served: _____
What verdict was rendered?
Civil case: () For plaintiff () For defendant
Criminal case: () For state or federal government () For defendant
22. Have you ever served as a foreperson on a grand jury or a trial jury?
() Yes () No
23. Have you testified as a witness in any court proceeding? () Yes () No
If yes, were you a witness for: () Plaintiff () State or federal government () Defendant in a civil or criminal case.
24. Have you or anyone close to you ever sued or been sued in any type of lawsuit? () Yes () No. If yes, explain: _____

25. Have you ever been to court for any other reason (excluding divorce or traffic cases)?
() Yes () No. If yes, explain: _____

26. Have you ever been arrested? () Yes () No
27. Have you, a close relative, or a close friend ever been convicted of a crime? () Yes () No
28. What newspaper(s) do you read regularly? _____
29. What TV news programs do you watch frequently? _____
30. How many hours of TV do you watch per week? _____
31. What radio programs do you listen to most? _____
32. Which do you find more interesting? () Local news () National news
33. To what periodicals or magazines do you subscribe? _____

34. Of the books you have read, which three are your favorites? _____

35. Please list your hobbies, spare-time activities, and outside interests: _____

36. Are there bumper stickers on the vehicles that you drive or that your spouse drives? () Yes () No
If yes, what do they say? _____
37. In a group situation, once you have formed an opinion, do you usually:
() Change your mind if a number of people have a different opinion?
() Stand by your original opinion despite what others believe?
38. Do you have relatives or close personal friends who are judges, attorneys, or court personnel? () Yes () No. If yes, what are their names and relationship to you? _____

39. Based on your experience, what is your opinion of lawyers? () Good
() Fair () Poor
40. Do you have any medical problems (for example problems with your vision or hearing) that may prevent you from serving as a juror?
() Yes () No. If yes, explain: _____

41. Do you have any ethical, religious, political, or other beliefs that may prevent you from serving as a juror? () Yes () No. If yes, explain: _____

42. Is there any matter not covered by this questionnaire that could affect your ability to be a fair and impartial juror? () Yes () No. If yes, explain: _____

43. List any reason why you do not wish to serve or why you should not serve: _____

44. Are you or is any member of your family in favor if limiting the rights of those accused of a crime so as to make it easier to convict? () Yes () No
45. In a criminal case, a defendant is presumed innocent until proven guilty based on the evidence. Do you agree with that principle? () Yes () No. If no, why not? _____

46. Have you or a close relative ever been the victim of a crime? () Yes () No. If yes, please describe: _____

47. Have you or a close relative ever worked in a law enforcement-related job such as police, sheriff, state trooper, prison guard, or military police? () Yes () No. If yes, please describe: _____

48. Have you taken any courses or had any training in medicine or other health-care field? () Yes () No. If yes, please explain: _____

ANSWERS TO QUESTIONS 49 - 54 ARE OPTIONAL

49. Do you belong to a church or otherwise have any religious affiliation? () Yes () No. If yes, please specify: _____
50. How often do you attend religious services? () Regularly () Occasionally () Never
51. Do you hold a special position in your religious organization? () Yes () No
52. What is your political party preference? _____
53. Are you or is any member of your family a member of any victims rights organization? () Yes () No. Of any anti-crime group or other similar organization? () Yes () No. Of any anti-weapons or gun-control group? () Yes () No. Of the National Rifle Association? () Yes () No
54. Have you ever actively participated in a political campaign? () Yes () No. If yes, () Democrat? () Republican? () Other _____

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

August 20, 1998

ORDER

IT IS ORDERED that Rule 3.8, Alabama Rules of Criminal Procedure, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Committee Comments to Amendment Effective November 1, 1998, attached as Appendix B to this order be added to the Committee Comments following Rule 3.8.

IT IS FURTHER ORDERED that this amendment be effective November 1, 1998.

Hooper, C. J., and Maddox, Almon, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 20th day of August, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

APPENDIX A

RULE 3.8. GROUNDS FOR ISSUANCE OF SEARCH WARRANT.

(a) Issuance. A search warrant authorized by this rule may be issued if there is probable cause to believe that the property sought:

(1) Was, or is expected to be, unlawfully obtained;

(2) Was or is expected to be used as the means of committing or attempting to commit any offense under the laws of the State of Alabama or any political subdivision thereof;

(3) Is, or is expected to be, in the possession of any person with intent to use it as a means of committing a criminal offense, or is, or is expected to be, in the possession of another to whom that person may have delivered it for the purpose of concealing it or preventing its discovery; or

(4) Constitutes, or is expected to constitute, evidence of a criminal offense under the laws of the State of Alabama or any political subdivision thereof.

(b) Warrant Upon Oral Testimony.

(1) General Rule. If circumstances make it reasonable to dispense, in whole or in part, with a written affidavit, a judge or magistrate who is authorized to issue search warrants may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission.

(2) Application. The person who is requesting the warrant shall prepare a document to be known as a duplicate original warrant and shall read such duplicate original warrant verbatim to the issuing judge or magistrate. The judge or magistrate shall enter what is so read on a document to be known as the original warrant. The issuing judge or magistrate may direct that the warrant be modified.

(3) Issuance. If the judge or magistrate is satisfied that the circumstances are such as to make it reasonable to dispense with a written affidavit and the grounds for the application exist or that there is probable cause to believe that they exist, the judge or magistrate shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge's or magistrate's name on the duplicate original warrant. The judge or magistrate shall immediately sign the original warrant and enter on the face of the original warrant the exact time the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit.

(4) Recording and Certification of Testimony. When a telephone caller informs the judge or magistrate that the purpose of the telephone call is to request a warrant, the judge or magistrate shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. If a voice recording device is available, the judge or magistrate shall record by means of such device all of the call after the caller informs the judge or magistrate that the purpose of the call is to request a warrant. Otherwise, a stenographic or longhand verbatim record shall be made. If a voice recording device is used or a stenographic record made, the judge or magistrate shall have the record transcribed, shall certify the accuracy of the transcription, and shall file a copy of the original record and the transcription with the court. If a longhand verbatim record is made, the judge or magistrate shall file a signed copy with the court.

(5) Contents. The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit.

(6) Additional Rule for Execution. The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant.

(7) Motion to Suppress Precluded. Absent a finding of bad faith, evidence obtained pursuant to a warrant issued under this

paragraph is not subject to a motion to suppress on the ground that the circumstances were not such as to make it reasonable to dispense with a written affidavit.

APPENDIX B

Committee Comments to Amendment Effective November 1, 1998

The amendment to Rule 3.8 adds subsection (b) which authorizes the issuance of search warrants on oral testimony, as is authorized in the federal courts. This amendment basically tracks the provisions of Rule 41(c)(2), Federal Rules of Criminal Procedure, but has been modified to recognize that not all magistrates are authorized under Alabama law to issue search warrants.

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT IN THE SUPREME COURT OF ALABAMA AUGUST 20, 1998

ORDER

IT IS ORDERED that Rule 3.9(a), Alabama Rules of Criminal Procedure, be amended to read as follows:

“(a) Evidence. A warrant shall issue on affidavit sworn to before the issuing judge or magistrate authorized by law to issue search warrants, establishing grounds for issuing the warrant, or upon oral testimony pursuant to Rule 3.8(b). If the judge or magistrate is satisfied that probable cause to believe that grounds for the application exists, the judge or magistrate, in the case of a warrant issued on affidavit, shall issue a warrant naming or describing the person and particularly describing the property and the place to be searched. Before ruling on a request for a warrant, the judge or magistrate may further examine, under oath, the affiant and any witnesses the affiant may produce. Such additional sworn examination shall be recorded verbatim by a court reporter, by recording equipment, or by other means, and shall be considered part of the affidavit for purposes of those proceedings; provided, however, that in reproducing any additional sworn testimony, the confidentiality of confidential informants shall be preserved.”

IT IS FURTHER ORDERED that this amendment shall be effective November 1, 1998.

Hooper, C. J., and Maddox, Shores, Houston, Cook, See, and Lyons, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 20th day of August, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER 1, 1998

ORDER

IT IS HEREBY ORDERED that Rule 1, Alabama Rules of Juvenile Procedure, and the comment thereto, be, and they hereby are, amended to read as follows:

“RULE 1. GENERAL PROCEDURE AND TIME LIMITATIONS

“(a) These rules govern the procedure for all matters in the juvenile court. If no procedure is specifically provided in these rules or by statute, the Alabama Rules of Civil Procedure shall be applicable in, including but not limited to, dependency cases, child-in-need-of-supervision cases, or other juvenile cases to the extent not inconsistent herewith, and the Alabama Rules of Criminal Procedure shall be applicable in delinquency cases and in cases of a criminal nature involving minors and adults to the extent not inconsistent herewith.

“(b) Procedure shall be uniform in all courts, whether at the circuit or district court level or in the circuit court by trial de novo. All post-judgment motions, whether provided for by the Alabama Rules of Civil Procedure or the Alabama Rules of Criminal Procedure, must be filed within 14 days from the date the judgment is filed in the clerk’s office and shall not remain pending for more than 28 days. A motion for a summary judgment may be filed 14 days after the date the petition commencing the action is filed in the clerk’s office, provided the motion is served 7 days before the time fixed for the hearing. The court retains jurisdiction to amend judgments for 28 days after the date the judgment is filed in the clerk’s office. Where execution or similar proceedings are appropriate to enforce a judgment, that action shall not be taken for 14 days from the date the judgment is filed in the clerk’s office.

“(c) A claim of ineffective assistance of counsel in a transfer hearing shall be filed in the juvenile court in which the transfer hearing was

conducted no later than 7 days from the date of the arraignment in the circuit court to which the case was transferred. The original claim shall be filed in the juvenile court, with a copy filed in the circuit court. The filing of the claim shall automatically stay the proceeding in the circuit court. The juvenile court shall rule on the claim within 14 days from the date the claim was filed. If the juvenile court does not rule on the claim within 14 days, it is deemed denied by operation of law.

“Comment

“Because juvenile jurisdiction may be exercised by district courts as well as by circuit courts, the reference in Rule 1 to the Alabama Rules of Civil Procedure contemplates the Rules of Civil Procedure as modified for applicability in the district courts where juvenile jurisdiction is exercised at the district court level. This Rule is meant to apply in dependency, custody, child-in-need-of-supervision, or other proceedings of a civil nature filed in the juvenile court where no rule of juvenile procedure addresses the matter.

“See § 5-151, Act No. 1205, Ala. Acts 1975 (Regular Session), codified at Ala. Code 1975, §12-15-76. In exercising jurisdiction in cases of a criminal nature, involving either a minor or an adult, including, but certainly not limited to, contributing to the delinquency of a minor, delinquency, or criminal nonsupport cases, the Alabama Rules of Criminal Procedure would apply.

“Subsection (c) of this Rule was intended to eliminate the problem raised by the case Ex parte A.D.R., 690 So.2d 1208 (Ala. 1996), in which a juvenile, transferred to circuit court for trial as an adult, alleged that his counsel in the transfer hearing had been ineffective. He made this claim after the juvenile’s time for filing an appeal had expired. The Supreme Court, in that case, allowed an out-of-time appeal of the transfer order.

“When used in Rule 1, ‘court’ refers to the juvenile court.”

IT IS FURTHER ORDERED that this amendment shall be effective January 1, 1999.

Hooper, C.J., and Maddox, Almon, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 1st day of October, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

DECEMBER 9, 1998

ORDER

IT IS ORDERED that the Alabama Rules of Judicial Administration be, and they hereby are, amended to add Rule 40, which shall read as follows:

“RULE 40. REVISIONS TO MASTER JURY LIST

“The Administrative Office of Courts may revise the master jury list for each county or territorial subdivision upon receipt of verified information from those agencies responsible for gathering the information. The Administrative Office of Courts shall revise the master jury list immediately upon receipt of information relating to deaths, as reported by the Department of Public Health; information relating to the restoration of civil rights, as reported by the Board of Pardons and Paroles; information relating to felony convictions, as reported by the circuit clerk of the county of conviction; and information relating to eligibility to vote based on age or residence, as reported by the Department of Public Safety or the Board of Registrars. The Administrative Office of Courts shall maintain the information on which all revisions are based and that information may be made available upon request.”

IT IS FURTHER ORDERED that this amendment shall be effective immediately.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, See, and Lyons, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 9th day of December, 1998.

ROBERT G. ESDALE, SR.

Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

DECEMBER 9, 1998

ORDER

IT IS ORDERED that this Court's order of October 1, 1998, amending Rule 1, Alabama Rules of Juvenile Procedure, and the

comment thereto, is hereby rescinded, pending further review by the Standing Committee on Alabama Rules of Juvenile Procedure.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, See, and Lyons, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 9th day of December, 1998.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
JANUARY 12, 1999

ORDER

IT IS ORDERED that the Form 111 to the forms following the Alabama Rules of Criminal Procedure, "Uniform Juror Questionnaire," be amended to read in accordance with the appendix attached to this order;

IT IS FURTHER ORDERED that this amendment shall be effective immediately.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, and Lyons, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 12th day of January, 1999.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

APPENDIX
RECOMMENDED
UNIFORM JUROR QUESTIONNAIRE

This questionnaire is for use only by the judge and lawyers in selecting a jury. It is not public information. If you need additional space to answer a question, attach additional sheets and number your answers to correspond to the questions.

1. Juror name/number: _____
2. Place of birth: _____ Age _____ Sex: () Male () Female
3. Race: () Caucasian/White () African-American/Black () Hispanic () Other _____
4. Do you: () Own home () Rent home () Rent apartment () Live with friend or relatives () Other _____
5. What cities/states have you lived in during the past five years? _____

6. Marital status: () Single () Married () Divorced () Separated () Widowed. If you are married:
Spouse's employer: _____
Number of years your spouse has worked there? _____
Spouse's title and job responsibilities: _____
Educational background of your spouse, including degrees or certificates earned: _____

7. Do you have children? () Yes () No. If yes, please complete the following:

<u>Age</u>	<u>Sex</u>	<u>School or occupation</u>	<u>Live with you?</u>	<u>Their level of education</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
8. Your level of education: Specify the highest grade you completed:
 (a) Elementary or high school (1-12) _____ College (1-4 or 5+) _____
 (b) If college, what college, what degrees, and what was your major? _____

 (c) Have you ever taken any courses in law, law enforcement, criminology, or criminal justice? () Yes () No. If yes, what courses? _____

9. Your present employment status (check all that apply):
 () Full-time () Part-time () Retired () Unemployed () Student
 () Homemaker
10. Your current or most recent occupation: _____

11. Name of your current or most recent employer, or, if you are a student, your school and major: _____
12. How long have you been employed by your current or most recent employer? _____
13. What are/were your specific duties and responsibilities on the job? _____
14. Do/Did you supervise other employees? () Yes () No. If yes, how many? _____
15. Do/Did you have responsibility for hiring and firing? () Yes () No.
16. Please list all other occupations and employers you have had for the past 10 years: _____
17. Have you ever served in the military? () Yes () No. If yes, please complete the following:
 Branch: _____ Rank: _____ Dates: From _____ To _____
 Duties: _____ Type of discharge: _____
18. What social, civic, professional, trade, union, or other organizations are you affiliated with? _____
19. Describe any offices you have held in the organizations listed in question 18: _____
20. Have you ever served on a jury before? () Yes () No. How many times? _____
 What type of jury: () Grand jury () Civil trial jury () Criminal trial jury
21. If you have served on a trial jury, please state the following:
 Year served: _____
 City and state where served: _____
 What verdict was rendered?
 Civil case: () For plaintiff () For defendant
 Criminal case: () For state or federal government () For defendant
22. Have you ever served as a foreperson on a grand jury or a trial jury? () Yes () No
23. Have you testified as a witness in any court proceeding? () Yes () No

____ If yes, were you a witness for: () Plaintiff () State or federal government () Defendant in a civil or criminal case.

24. Have you or anyone close to you ever sued or been sued in any type of lawsuit? () Yes () No. If yes, explain: _____

25. Have you ever been to court for any other reason (excluding divorce or traffic cases)?
() Yes () No. If yes, explain: _____
26. Have you ever been arrested? () Yes () No
27. Have you, a close relative, or a close friend ever been convicted of a crime? () Yes () No
28. What newspaper(s) do you read regularly? _____
29. What TV news programs do you watch frequently? _____
30. How many hours of TV do you watch per week? _____
31. What radio programs do you listen to most? _____
32. Which do you find more interesting? () Local news () National news
33. To what periodicals or magazines do you subscribe? _____

34. Of the books you have read, which three are your favorites? _____

35. Please list your hobbies, spare-time activities, and outside interests: _____

36. Are there bumper stickers on the vehicles that you drive or that your spouse drives? () Yes () No.
If yes, what do they say? _____
37. In a group situation, once you have formed an opinion, do you usually:
() Change your mind if a number of people have a different opinion?
() Stand by your original opinion despite what others believe?
38. Do you have relatives or close personal friends who are judges, attorneys, or court personnel? () Yes () No. If yes, what are their names and relationship to you? _____

39. Based on your experience, what is your opinion of lawyers? () Good
() Fair () Poor

40. Do you have any medical problems (for example problems with your vision or hearing) that may prevent you from serving as a juror? () Yes () No. If yes, explain: _____

41. Do you hve any ethical, religious, political, or other beliefs that may prevent you from serving as a juror? () Yes () No. If yes, explain: _____

42. Is there any matter not covered by this questionnaire that could affect your ability to be a fair and impartial juror? () Yes () No. If yes, explain: _____

43. List any reason why you do not wish to serve or why you should not serve: _____

44. Are you or is any member of your family in favor if limiting the rights of those accused of a crime so as to make it easier to convict? () Yes () No
45. In a criminal case, a defendant is presumed innocent until proven guilty based on the evidence. Do you agree with that principle? () Yes () No. If no, why not? _____

46. Have you or a close relative ever been the victim of a crime? () Yes () No. If yes, please describe: _____

47. Have you or a close relative ever worked in a law enforcement-related job such as police, sheriff, state trooper, prison guard, or military police? () Yes () No. If yes, please describe: _____

48. Have you taken any courses or had any training in medicine or other health-care field? () Yes () No. If yes, please explain: _____

ANSWERS TO QUESTIONS 49 - 54 ARE OPTIONAL

49. Do you belong to a church or otherwise have any religious affiliation? () Yes () No. If yes, please specify: _____
50. How often do you attend religious services? () Regularly () Occasionally () Never

51. Do you hold a special position in your religious organization? () Yes () No
52. What is your political party preference? _____
53. Are you or is any member of your family a member of any victims rights organization? () Yes () No. Of any anti-crime group or other similar organization? () Yes () No. Of any anti-weapons or gun-control group? () Yes () No.
54. Have you ever actively participated in a political campaign? () Yes () No. If yes, () Democrat? () Republican? () Other _____

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
JANUARY 15, 1999

ORDER

WHEREAS, the Standing Committee on Alabama Rules of Judicial Administration has recommended that Rule 29(A), Alabama Rules of Judicial Administration, be amended, and

WHEREAS, the Court has considered that recommendation and deems it appropriate to make the recommended changes,

IT IS, THEREFORE, ORDERED that Rule 29(A), Alabama Rules of Judicial Administration, be amended to read in accordance with the appendix to this order.

IT IS FURTHER ORDERED that this amendment shall be effective April 1, 1999.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, See, and Lyons, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 15th day of January, 1999

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

APPENDIX

(A) Transcript format. Each page of the transcript of the judicial proceedings shall conform to the following format:

- (1) Paper.

(a) Size – Letter-size paper (8 1/2 x 11 inches)

(b) Weight – Paper quality for originals and copies should be at least 20-pound basis weight.

(c) Color – White paper shall be used for both original and copies.

(2) Ink Color. Black ink is to be used for both original and copies.

(3) Marginal lines. Solid left and right and top and bottom marginal lines are required. All lines must be placed on the page so that the text actually begins 1 3/4 inches from the left edge of the page and ends not less than 1/2 inch nor more than 3/4 inch from the right edge of the page.

(4) Line numbers. Each line of transcription on a page is to be numbered, beginning with “1” and continuing consecutively to the last line of transcription on the page, which shall be at line “25.”

(5) Typing.

(a) Type quality and size – Letter quality type shall be used. The letter character size is to be no smaller than 9 characters (letters and/or spaces) per inch. This allows at least 50 characters (letters, punctuation marks, and/or spaces) per line.

(b) Number of lines per page – Each page of transcription is to contain 25 double-spaced lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations are not considered part of the 25 lines of text. Blank lines should not be used except where necessary to keep headings together.

(c) Margins – Typing on each page should begin 1 3/4 inches from the left edge of the paper (“the left margin”) and continue to 1/2 to 3/4 inches from the right edge of the paper (“the right margin”).

(d) Capitalization – The use of upper and lower case letters is preferred, but all upper case letters may be used.

(e) Indentations.

(1) Questions and Answers (Q and A). All “Q” and “A” designations shall begin at the left margin, i.e., 1 3/4 inches from the left edge of the paper. The statement following the “Q” and “A” shall begin on the fifth space from the left margin. All subsequent lines shall begin no more than the fifth space from the left margin.

(2) Colloquy. Identification of the speaker shall begin on the tenth space from the left margin and the speaker's name shall be followed by a colon. The statement following the identification of the speaker shall begin on the third space after the colon. All subsequent lines shall begin no more than the fifth space from the left margin.

(3) Quotations. At the discretion of the transcriber, quoted material, other than depositions, can begin on the tenth space from the left margin, with additional quoted lines beginning on the tenth space from the left margin, and may be indicated by the appropriate use of quotation marks.

(4) Headings. Headings, such as "Direct Examination," shall be centered between the left margin and the right margin.

(5) Parenthetical notations. Parenthetical notations, such as the call to order of court or the swearing in of a witness, shall begin with an open parenthesis on the fifteenth space from the left margin. All subsequent lines of the parenthetical notation shall begin no more than the fifteenth space from the left margin.

(f) Interruptions of speech and simultaneous discussions – Interruptions of speech shall be denoted by the use of a dash at the point of interruption and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner.

(g) Punctuation and spelling – Standard punctuation and spelling shall be used.

(h) Parenthesis – Parenthetical notations are generally enclosed in parentheses; however, brackets may be used.

(i) Legibility – The original transcript and each copy are to be legible, with no interlineations materially defacing the transcript.

(j) Applicability – These transcript format guidelines shall apply only to those transcripts prepared for cases appealed to an Alabama appellate court, which may include juvenile cases on appeal, and where a notice of appeal has been filed on or after April 1, 1999. The format of the testimony shall substantially comply with the form that appears as an appendix to this rule.

(k) Sanctions – If a person who prepares an appellate transcript willfully fails to comply with the provisions of this rule, that person may be held in contempt of court by the supreme court, or by any court of competent jurisdiction, after reasonable notice of such noncompliance has been given to that person.

APPENDIX TO RULE 29

1 EXAMPLES: [# = space] TYPE SPACES: 9 characters/inch

2 SUSIE SHARPE [centered]

3 A witness for the State,

4 was sworn and testified as follows:

5 **DIRECT EXAMINATION** [centered]

1 3/4 inches

6 **BY MR. FALLS:**

7 Q. [←5#→] State your name and occupation for the record [← 1/2
8 please. to
9 3/4
10 inches

11 A. Susie Sharpe, and I'm a court reporter for Judge
12 Sweete.

13 Q. Do you know the proper format for preparing a
14 transcript on appeal?

15 A. I certainly do.

16 [←10#→] MR. MOORE: [←3#→] Judge, I object. This material
17 is covered sufficiently in the –

18 THE COURT: Overruled.

19 MR. MOORE: – Court Reporters Manual.

20 THE COURT: I'd like to hear this.

21 MR. MOORE: Well, may I take the witness
22 on voir dire, Your Honor?

23 THE COURT: Go ahead.

24 [←15#→] (Off-the-record discussion)

25 **VOIR DIRE EXAMINATION**

BY MR. MOORE:

Q. Ms. Sharpe, how long have you been a court

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
FEBRUARY 8, 1999

ORDER

IT IS HEREBY ORDERED that Form 93 to the Alabama Rules of Civil Procedure, Cover Sheet, Circuit Court - Civil Case, is amended to read in accordance with the appendix attached to this order;

IT IS FURTHER ORDERED that this amendment shall be effective May 1, 1999.

Hooper, C. J., and Maddox, Houston, Kennedy, Cook, See, Lyons, Brown, and Johnstone, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of February, 1999.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

State of Alabama Unified Judicial System Form ARCivP-93 Rev. 5/99	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case Number <div style="border: 1px solid black; padding: 2px;"> C V </div> Date of Filing: Judge Code: Month Day Year
GENERAL INFORMATION		
IN THE CIRCUIT COURT OF _____, ALABAMA <div style="text-align: center;">(Name of County)</div>		
Plaintiff _____ v. Defendant _____		
First Plaintiff <input type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	First Defendant <input type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:		
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____	OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
TORTS: PROPERTY INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property		
OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services		
ORIGIN (check one): F <input type="checkbox"/> INITIAL FILING A <input type="checkbox"/> APPEAL FROM DISTRICT COURT O <input type="checkbox"/> OTHER: _____ R <input type="checkbox"/> REMANDED T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT		
HAS JURY TRIAL BEEN DEMANDED? <input type="checkbox"/> YES <input type="checkbox"/> NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P. for procedure)		
RELIEF REQUESTED: <input type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED		
ATTORNEY CODE: <div style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></div> Date _____ Signature of Attorney/Party filing this form _____		
MEDIATION REQUESTED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNDECIDED		

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
MARCH 11, 1999

ORDER

WHEREAS, this Court's Standing Committee on the Alabama Rules of Juvenile Procedure recommended the adoption of a rule that establishes juvenile conference committees; and

WHEREAS, that proposed rule was published for comments in a So. 2d advance sheet dated May 28, 1998; and

WHEREAS, this Court has considered the proposed rule;

IT IS ORDERED that Rule 15.1, Alabama Rules of Juvenile Procedure, and the Comment thereto, appearing as an appendix to this Order, be adopted.

IT IS FURTHER ORDERED that the adoption of this rule and the comment shall be effective May 1, 1999.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 11th day of March, 1999.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

APPENDIX

RULE 15.1 JUVENILE CONERENCE COMMITTEES

(A) In an effort to reduce juvenile crime and to use the resources of the community to the fullest extent, a juvenile judge or a family court judge (hereinafter referred to as a "juvenile court judge") may establish one or more Juvenile Conference Committees.

(B) A juvenile court judge desiring to establish a Juvenile Conference Committee shall appoint citizens of the county to serve as members of the committee. A Juvenile Conference Committee shall consist of at least five, but not more than nine, members. The term for each member shall be set by the juvenile court judge when the judge makes the appointment, but no member's term shall exceed three years. Committee members shall serve at the pleasure of the juvenile court judge who appointed them, or that

judge's successor in office. Once appointed, a member must complete a training program conducted or approved by the Administrative Office of Courts. The member shall serve without compensation. The members of the Juvenile Conference Committee shall select a chairperson and a secretary at the first organizational meeting of the committee.

(C) If a Juvenile Conference Committee is established in a county, the intake officer and the prosecutor in that county, after a petition is filed but before an adjudicatory hearing is held, shall review all cases involving a child charged with a status offense or an offense that would be considered a violation or a misdemeanor if the child had been charged as an adult to determine whether the child is eligible for referral to the Juvenile Conference Committee. If, after their review, the intake officer and the prosecutor disagree concerning whether the case is eligible for referral to the Juvenile Conference Committee, the juvenile court judge will make the determination. If the case is eligible for referral to the Juvenile Conference Committee, the child may choose to appear before the Juvenile Conference Committee or to appear in juvenile court.

(D) If the child chooses to appear before the committee in lieu of appearing in juvenile court, the Juvenile Conference Committee may meet with the child and the child's parent or parents, guardian, or custodian at a specified date, time, and place. Written notice of the date, time, and place of the meeting shall be given to the child and the child's parent or parents, guardian, or custodian. Written notice of the meeting also shall be given to the complainant and/or the victim. The notice shall inform the child and the child's parent or parents, guardian, or custodian that the juvenile court judge may assess court costs and other applicable fees upon the judge's adoption of the recommendations of the Juvenile Conference Committee. The notice shall inform the complainant or the victim that if he or she cannot attend the meeting, the complainant or the victim may submit a written statement for the Juvenile Conference Committee to consider. No one shall be compelled to appear before a Juvenile Conference Committee. If someone who the committee believes is essential to a resolution of the matter does not want to appear before the committee, or if the child or the child's parent or parents, guardian, or custodian is not satisfied with the proceedings of the committee, the Juvenile Conference Committee shall refer the matter to the juvenile court.

(E) With the voluntary cooperation of the child, the child's parent or parents, guardian, or custodian, and others present at the meeting, the Juvenile Conference Committee shall attempt to determine what factors brought the child to juvenile court and shall recommend to the juvenile court judge sanctions that will

attempt to help the child develop into a productive member of society. The Juvenile Conference Committee's primary concern is to forestall more serious misconduct by the child offender by obtaining the voluntary cooperation of the child, the child's parent or parents, guardian, or custodian and others involved in the case. The Juvenile Conference Committee's primary concern is to forestall more serious misconduct by the child offender by obtaining the voluntary cooperation of the child, the child's parent or parents, guardian, or custodian and others involved in the case. The Juvenile Conference Committee shall present its recommendations to the juvenile court judge, who may approve or disapprove the sanctions recommended by the committee. If the juvenile court judge approves and adopts the committee's recommendations, the Juvenile Conference Committee shall monitor compliance with its recommendations and advise the juvenile court judge of the child's progress. If the child is not satisfied with, or does not accept, the committee's recommendations as approved by the juvenile court judge, or if, at any time, the child fails to comply with those recommendations, the matter shall be referred to juvenile court.

(F) The juvenile court judge, at any time, may terminate the process and dismiss the child without further proceedings, or terminate the committee's review or monitoring and direct that the child's case be referred to juvenile court.

(G) All matters coming before a Juvenile Conference Committee shall be held in strict confidence and the members of the Juvenile Conference Committee shall comply with all laws and rules regarding the confidentiality of proceedings against children. Every member of a Juvenile Conference Committee shall be sworn by the juvenile court judge to observe the confidential nature of the committee proceedings. A committee member may, however, when authorized by the committee as a whole and with the prior approval of the juvenile court judge, publicize in general terms the duties of the Juvenile Conference Committee, the kinds and number of cases it reviews (without in any way revealing the names or identities of persons involved or the action taken in any specific case), or any community conditions that the committee's work indicates may require correction to prevent future misconduct by children.

Comment

The Juvenile Conference Committees are intended to provide alternative to formal court proceedings. It is thought that the citizen members will add a dimension of broad experience to deal with problems relating to children. The order adopting this rule and comment is published in *Alabama Reporter*, ____ So. 2d. ____.

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

APRIL 7, 1999

ORDER

IT IS ORDERED that Rule 4(a)(1), Alabama Rules of Disciplinary Procedure, be, and it hereby is, amended to read as follows:

“(1) The Board of Commissioners of the Alabama State Bar shall appoint five panels of five members each, each panel to be known as ‘The Disciplinary Board of the Alabama State Bar’ (hereinafter referred to as ‘the Disciplinary Board’). Each panel shall be composed of four persons who are Bar commissioners and one layperson. As used in these Rules, the term ‘Disciplinary Board’ shall refer to that panel involved in a particular disciplinary proceeding, and the term ‘layperson’ shall mean an adult resident citizen of the State of Alabama who is not now, and who never has been, a lawyer. Those Bar commissioners appointed to the Disciplinary Board shall be appointed for terms of three years, except when appointed to fill an unexpired term, and they cannot serve more than two consecutive full terms. Layperson members shall be appointed for terms of one year and may serve unlimited successive terms. Any member appointed to a Disciplinary Board shall be required to attend a three-hour training session conducted by the Office of General Counsel of the Alabama State Bar at Alabama State Bar Headquarters. Members who are lawyers will receive CLE credit for attending the training session.”

IT IS FURTHER ORDERED that the following Court Comment be added to Rule 4, Alabama Rules of Disciplinary Procedure:

“Court Comment

“The order adopting this rule is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 2d.”

IT IS FURTHER ORDERED that this amendment and the adoption of the comment be effective June 1, 1999.

Hooper, C. J., and Maddox, Houston, Kennedy, Cook, See, Lyons, Brown, and Johnstone, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 7th day of April, 1999.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

APRIL 7, 1999

ORDER

IT IS HEREBY ORDERED that Rule 30(c), Alabama Rules of Disciplinary Procedure, be, and it hereby is, amended to read as follows:

“(c) Confidentiality, Access to Information, and Notice. All participants in the proceeding shall conduct themselves so as to maintain the confidentiality of the proceeding. This provision shall not be construed to deny access to relevant information to federal and state law enforcement agencies, to authorized agencies investigating the qualifications of judicial candidates, to the Alabama Judicial Inquiry Commission when it is conducting an investigation, or to other jurisdictions investigating qualifications for admission to practice. In addition, the Disciplinary Board shall transmit notice of all public disciplines or the transfer to disability inactive status of a lawyer by the Disciplinary Board or as finally approved by the Alabama Supreme Court, as the case may be, to the secretary of the Alabama State Bar, to the respondent, to the clerks of the circuit and district courts in which the respondent practices to be spread upon the minutes of the circuit and district courts, to the clerk of each federal district court in Alabama, to the clerk of the Alabama Supreme Court, and to the National Discipline Data Bank maintained by the American Bar Association.”

IT IS FURTHER ORDERED that the following Court Comment be added to Rule 30, Alabama Rules of Disciplinary Procedure:

“Court Comment

“The order adopting this rule is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 2d.”

IT IS FURTHER ORDERED that this amendment and the adoption of the comment be effective June 1, 1999.

Hooper, C. J., and Maddox, Houston, Kennedy, Cook, See, Lyons, Brown, and Johnstone, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 7th day of April, 1999.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
APRIL 15, 1999

ORDER

WHEREAS, the Administrative Office of Courts has recommended that Rule 31(E), Alabama Rules of Judicial Administration, be amended, and

WHEREAS, the Court has considered that recommendation and has approved it;

IT IS, THEREFORE, ORDERED that Rule 31(E), Alabama Rules of Judicial Administration, be amended to read as follows:

“(E) Disposal After Microfilm or Other Preservation. After a record has been microfilmed, scanned, or otherwise preserved in a manner approved by the AOC, including a check with the original record for accuracy and the production of a security copy of microfilm or electronic storage medium, the original record may be disposed of, unless it is scheduled to be sent to the Department of Archives and History pursuant to the disposition instruction of the records retention schedule. Disposal of the original record shall be reported in a manner prescribed by the AOC.”

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 31:

“Note from the reporter of decisions: The order amending Rule 31(E), effective April 15, 1999, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 2d.”

IT IS FURTHER ORDERED that this amendment be effective immediately.

Hooper, C. J., and Maddox, Houston, Kennedy, Cook, See, Lyons, Brown, and Johnstone, JJ., concur.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 15th day of April, 1999.

ROBERT G. ESDALE, SR.
Clerk, Supreme Court of Alabama

1980 Commissioners Standard Ordinary Mortality Table
Basic Value 6.00%
Age Near Birthday
Male

AGE x	L	d _x	1000q _x	e _x	v ^x	AGE x
0	10 000 000	41 800	4.18	70.83	1.000 000 00	0
1	9 958 700	10 855	1.07	70.13	.842 288 23	1
2	9 947 849	8 849	.88	69.29	.688 886 44	2
3	9 937 272	8 849	.88	68.37	.539 616 28	3
4	9 926 988	8 849	.88	67.39	.397 082 86	4
5	9 916 988	8 849	.88	66.40	.261 284 17	5
6	9 907 272	8 849	.88	65.46	.131 285 84	6
7	9 897 849	8 849	.88	64.52	.007 057 11	7
8	9 888 700	8 849	.88	63.57	.000 000 00	8
9	9 879 849	8 849	.88	62.62	.000 000 00	9
10	9 871 111	8 849	.88	61.66	.000 000 00	10
11	9 862 568	8 849	.88	60.71	.000 000 00	11
12	9 854 229	8 849	.88	59.76	.000 000 00	12
13	9 846 094	8 849	.88	58.80	.000 000 00	13
14	9 838 163	8 849	.88	57.85	.000 000 00	14
15	9 830 436	8 849	.88	56.90	.000 000 00	15
16	9 822 913	8 849	.88	55.95	.000 000 00	16
17	9 815 594	8 849	.88	55.00	.000 000 00	17
18	9 808 479	8 849	.88	54.05	.000 000 00	18
19	9 801 568	8 849	.88	53.10	.000 000 00	19
20	9 794 861	8 849	.88	52.15	.000 000 00	20
21	9 788 358	8 849	.88	51.20	.000 000 00	21
22	9 782 059	8 849	.88	50.25	.000 000 00	22
23	9 775 964	8 849	.88	49.30	.000 000 00	23
24	9 770 073	8 849	.88	48.35	.000 000 00	24
25	9 764 386	8 849	.88	47.40	.000 000 00	25
26	9 758 903	8 849	.88	46.45	.000 000 00	26
27	9 753 624	8 849	.88	45.50	.000 000 00	27
28	9 748 549	8 849	.88	44.55	.000 000 00	28
29	9 743 678	8 849	.88	43.60	.000 000 00	29
30	9 739 011	8 849	.88	42.65	.000 000 00	30
31	9 734 548	8 849	.88	41.70	.000 000 00	31
32	9 730 289	8 849	.88	40.75	.000 000 00	32
33	9 726 234	8 849	.88	39.80	.000 000 00	33
34	9 722 383	8 849	.88	38.85	.000 000 00	34
35	9 718 736	8 849	.88	37.90	.000 000 00	35
36	9 715 293	8 849	.88	36.95	.000 000 00	36
37	9 712 054	8 849	.88	36.00	.000 000 00	37
38	9 709 019	8 849	.88	35.05	.000 000 00	38
39	9 706 188	8 849	.88	34.10	.000 000 00	39
40	9 703 561	8 849	.88	33.15	.000 000 00	40
41	9 701 138	8 849	.88	32.20	.000 000 00	41
42	9 698 919	8 849	.88	31.25	.000 000 00	42
43	9 696 904	8 849	.88	30.30	.000 000 00	43
44	9 695 093	8 849	.88	29.35	.000 000 00	44
45	9 693 486	8 849	.88	28.40	.000 000 00	45
46	9 692 083	8 849	.88	27.45	.000 000 00	46
47	9 690 884	8 849	.88	26.50	.000 000 00	47
48	9 689 889	8 849	.88	25.55	.000 000 00	48
49	9 689 000	8 849	.88	24.60	.000 000 00	49
50	9 688 317	8 849	.88	23.65	.000 000 00	50
51	9 687 840	8 849	.88	22.70	.000 000 00	51
52	9 687 569	8 849	.88	21.75	.000 000 00	52
53	9 687 504	8 849	.88	20.80	.000 000 00	53
54	9 687 645	8 849	.88	19.85	.000 000 00	54
55	9 687 992	8 849	.88	18.90	.000 000 00	55
56	9 688 545	8 849	.88	17.95	.000 000 00	56
57	9 689 304	8 849	.88	17.00	.000 000 00	57
58	9 690 269	8 849	.88	16.05	.000 000 00	58
59	9 691 440	8 849	.88	15.10	.000 000 00	59
60	9 692 817	8 849	.88	14.15	.000 000 00	60
61	9 694 400	8 849	.88	13.20	.000 000 00	61
62	9 696 189	8 849	.88	12.25	.000 000 00	62
63	9 698 184	8 849	.88	11.30	.000 000 00	63
64	9 699 385	8 849	.88	10.35	.000 000 00	64
65	9 700 792	8 849	.88	9.40	.000 000 00	65
66	9 702 405	8 849	.88	8.45	.000 000 00	66
67	9 704 224	8 849	.88	7.50	.000 000 00	67
68	9 706 249	8 849	.88	6.55	.000 000 00	68
69	9 708 480	8 849	.88	5.60	.000 000 00	69
70	9 710 917	8 849	.88	4.65	.000 000 00	70
71	9 713 560	8 849	.88	3.70	.000 000 00	71
72	9 716 409	8 849	.88	2.75	.000 000 00	72
73	9 719 464	8 849	.88	1.80	.000 000 00	73
74	9 722 725	8 849	.88	.85	.000 000 00	74
75	9 726 192	8 849	.88	0.00	.000 000 00	75
76	9 729 865	8 849	.88		.000 000 00	76
77	9 733 744	8 849	.88		.000 000 00	77
78	9 737 829	8 849	.88		.000 000 00	78
79	9 742 120	8 849	.88		.000 000 00	79
80	9 746 617	8 849	.88		.000 000 00	80
81	9 751 320	8 849	.88		.000 000 00	81
82	9 756 229	8 849	.88		.000 000 00	82
83	9 761 344	8 849	.88		.000 000 00	83
84	9 766 665	8 849	.88		.000 000 00	84
85	9 772 192	8 849	.88		.000 000 00	85
86	9 777 925	8 849	.88		.000 000 00	86
87	9 783 864	8 849	.88		.000 000 00	87
88	9 789 909	8 849	.88		.000 000 00	88
89	9 796 160	8 849	.88		.000 000 00	89
90	9 802 617	8 849	.88		.000 000 00	90
91	9 809 280	8 849	.88		.000 000 00	91
92	9 816 149	8 849	.88		.000 000 00	92
93	9 823 324	8 849	.88		.000 000 00	93
94	9 830 805	8 849	.88		.000 000 00	94
95	9 838 592	8 849	.88		.000 000 00	95
96	9 846 685	8 849	.88		.000 000 00	96
97	9 855 084	8 849	.88		.000 000 00	97
98	9 863 789	8 849	.88		.000 000 00	98
99	9 872 792	8 849	.88		.000 000 00	99

Description of meaning of codes on CSO Table

lx = Number living

dx = Deaths each year

1000q_x = Death rate per 1,000

e_x = Expectation of life

TABLE 16
1983 TABLE Q— 1.000qx

Age	Males	Females	Age	Males	Females	Age	Males	Females
5	0.377	0.194	45	2.399	1.122	85	90.987	85.518
6	0.330	0.160	46	2.693	1.231	86	99.122	73.493
7	0.333	0.134	47	3.009	1.356	87	107.577	82.318
8	0.352	0.134	48	3.343	1.499	88	116.316	92.017
9	0.368	0.136	49	3.694	1.657	89	125.394	102.491
10	0.362	0.141	50	4.057	1.830	90	134.887	113.605
11	0.394	0.147	51	4.431	2.016	91	144.875	125.227
12	0.405	0.155	52	4.812	2.215	92	155.429	137.222
13	0.415	0.165	53	5.198	2.426	93	166.629	149.462
14	0.425	0.175	54	5.591	2.650	94	178.537	161.834
15	0.435	0.188	55	5.994	2.891	95	191.214	174.228
16	0.446	0.201	56	6.409	3.151	96	204.721	186.535
17	0.458	0.214	57	6.839	3.432	97	219.120	198.646
18	0.472	0.229	58	7.290	3.739	98	234.735	211.102
19	0.488	0.244	59	7.782	4.081	99	251.889	224.445
20	0.505	0.260	60	8.338	4.467	100	270.906	239.215
21	0.525	0.276	61	8.983	4.908	101	292.111	255.953
22	0.546	0.293	62	9.740	5.413	102	315.826	275.201
23	0.570	0.311	63	10.630	5.990	103	342.377	297.500
24	0.596	0.330	64	11.664	6.633	104	372.086	323.390
25	0.622	0.349	65	12.851	7.336	105	405.278	353.414
26	0.650	0.368	66	14.199	8.090	106	442.277	388.111
27	0.677	0.387	67	15.717	8.888	107	483.406	428.023
28	0.704	0.405	68	17.414	9.731	108	528.989	473.692
29	0.731	0.423	69	19.296	10.653	109	579.351	525.658
30	0.759	0.441	70	21.371	11.697	110	634.814	584.462
31	0.786	0.460	71	23.647	12.905	111	695.704	650.646
32	0.814	0.479	72	26.131	14.319	112	762.343	724.750
33	0.843	0.499	73	28.835	15.980	113	835.056	807.316
34	0.876	0.521	74	31.794	17.909	114	914.167	898.885
35	0.917	0.545	75	35.046	20.127	115	1000.000	1000.000
36	0.968	0.574	76	38.631	22.654			
37	1.032	0.607	77	42.587	25.509			
38	1.114	0.646	78	46.951	28.717			
39	1.216	0.691	79	51.755	32.328			
40	1.341	0.742	80	57.026	36.395			
41	1.492	0.801	81	62.791	40.975			
42	1.673	0.867	82	69.081	46.121			
43	1.886	0.942	83	75.908	51.889			
44	2.129	1.026	84	83.230	58.336			

1980 Commissioners Standard Ordinary Mortality Table
Basic Value 6.00%
Age Near Birthday
Female

AGE x	L_x	d_x	$1000q_x$	e_x	v^x	AGE x
0	10 000 000	38 800	2.88	75.83	1.000 000 00	0
1	9 971 100	8 875	.87	75.04	.843 388 23	1
2	9 962 425	8 070	.81	74.11	.889 886 44	2
3	9 954 355	7 884	.79	73.17	.879 919 28	3
4	9 946 481	7 858	.78	72.23	.792 083 88	4
5	9 938 832	7 554	.76	71.28	.747 258 17	5
6	9 931 278	7 250	.73	70.34	.704 850 54	6
7	9 924 029	7 145	.72	69.39	.665 057 11	7
8	9 916 883	6 942	.70	68.44	.627 412 37	8
9	9 908 841	6 838	.69	67.48	.591 899 48	9
10	9 900 103	6 728	.68	66.53	.558 284 78	10
11	9 890 368	6 628	.67	65.58	.528 717 82	11
12	9 880 841	7 120	.72	64.62	.502 848 73	12
13	9 872 421	7 115	.71	63.67	.480 838 02	13
14	9 864 008	7 800	.80	62.71	.442 300 88	14
15	9 857 108	8 281	.85	61.78	.417 285 08	15
16	9 850 722	8 872	.90	60.84	.392 848 73	16
17	9 844 848	8 257	.85	59.87	.371 384 42	17
18	9 840 492	8 644	.88	58.82	.350 343 78	18
19	9 830 848	10 027	1.02	57.04	.330 513 01	19
20	9 820 821	10 212	1.05	55.10	.311 604 73	20
21	9 810 508	10 487	1.07	53.16	.294 153 40	21
22	9 800 012	10 882	1.09	51.11	.277 605 10	22
23	9 789 320	10 888	1.11	49.06	.261 787 28	23
24	9 778 464	11 147	1.14	47.02	.246 978 55	24
25	9 767 317	11 230	1.16	44.98	.232 888 78	25
26	9 755 877	11 100	1.18	42.94	.219 810 03	26
27	9 744 377	11 888	1.22	40.90	.207 367 85	27
28	9 732 488	12 263	1.26	38.86	.195 154 14	28
29	9 720 278	12 728	1.30	36.82	.184 556 74	29
30	9 707 580	13 105	1.35	34.78	.174 110 13	30
31	9 694 485	13 572	1.40	32.74	.164 154 14	31
32	9 680 813	14 137	1.45	30.70	.154 857 40	32
33	9 666 878	14 500	1.50	28.66	.146 186 22	33
34	9 652 378	15 251	1.58	26.62	.137 915 11	34
35	9 637 125	15 901	1.65	24.58	.130 105 22	35
36	9 621 224	16 832	1.78	22.54	.122 740 77	36
37	9 604 281	18 152	1.89	20.50	.115 823 85	37
38	9 586 136	21 238	2.22	18.46	.109 055 52	38
39	9 566 849	22 100	2.42	16.42	.102 218 05	39
40	9 545 345	22 257	2.67	14.38	.095 218 05	40
41	9 522 245	22 361	2.87	12.34	.088 527 40	41
42	9 497 108	22 357	3.08	10.30	.082 009 08	42
43	9 469 849	22 357	3.08	8.26	.075 650 07	43
44	9 440 587	22 357	3.08	6.22	.069 437 51	44
45	9 409 148	33 487	3.56	4.18	.063 357 91	45
46	9 375 747	35 828	3.80	2.14	.057 408 88	46
47	9 340 118	40 378	4.33	.10	.051 588 40	47
48	9 293 882	42 882	4.63		.045 888 88	48
49	9 262 013	43 721	4.71		.040 288 88	49
50	9 218 100	43 721	4.71		.034 788 88	50
51	9 172 118	52 011	5.67		.029 288 88	51
52	9 124 882	52 011	5.67		.023 788 88	52
53	9 072 888	52 011	5.67		.018 288 88	53
54	9 016 888	52 011	5.67		.012 788 88	54
55	8 957 282	82 507	9.28		.007 288 88	55
56	8 892 778	82 507	9.28		.001 788 88	56
57	8 824 278	70 278	8.03		.000 288 88	57
58	8 755 579	74 180	8.47		.000 000 00	58
59	8 681 418	77 812	8.94			59
60	8 601 101	81 478	9.47			60
61	8 522 322	88 231	10.32			61
62	8 435 834	97 258	11.52			62
63	8 342 834	100 258	12.02			63
64	8 243 245	108 223	13.25			64
65	8 134 022	118 258	14.58			65
66	8 018 347	128 248	16.00			66
67	7 887 101	137 472	17.42			67
68	7 749 828	146 810	18.84			68
69	7 605 828	154 810	20.36			69
70	7 448 818	164 883	22.11			70
71	7 284 123	178 484	24.72			71
72	7 107 628	180 882	25.47			72
73	6 916 647	208 260	30.11			73
74	6 708 387	227 818	33.93			74
75	6 480 771	247 825	38.24			75
76	6 232 848	267 830	42.87			76
77	5 985 118	288 264	48.04			77
78	5 728 552	303 518	52.85			78
79	5 475 033	318 008	58.25			79
80	5 215 025	323 847	62.28			80
81	4 948 818	347 567	70.23			81
82	4 674 811	360 484	77.30			82
83	4 394 227	371 448	84.52			83
84	4 104 144	381 462	92.93			84
85	3 804 714	378 033	99.36			85
86	3 494 881	373 080	107.32			86
87	3 174 881	360 105	116.58			87
88	2 844 488	340 480	127.28			88
89	2 504 008	315 180	139.40			89
90	2 148 810	285 000	153.25			90
91	1 774 108	253 005	168.87			91
92	1 384 201	218 268	186.28			92
93	984 032	185 874	218.31			93
94	553 158	154 503	278.31			94
95	284 655	126 501	444.97			95
96	124 258	102 258	824.97			96
97	68 895	50 895	734.97			97
98	89 200	58 502	655.85			98
99	30 898	30 898	1000.00			99

Description of meaning of codes on CSO Table

lx = Number living

dx = Deaths each year

1000qx = Death rate per 1,000

ex = Expectation of life

Annuity Certain Table

Annuity Table showing the current present cash value of an annuity certain of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%.

As provided in Act No. 456, Approved August 31, 1953.

AGE X	2.0% INTEREST	2.5% INTEREST	3.0% INTEREST	3.5% INTEREST	4.0% INTEREST	4.5% INTEREST	5.0% INTEREST	5.5% INTEREST	6.0% INTEREST	AGE A
0	80418	80418	80418	80418	80418	80418	80418	80418	80418	0
1	80417	80417	80417	80417	80417	80417	80417	80417	80417	1
2	80416	80416	80416	80416	80416	80416	80416	80416	80416	2
3	80415	80415	80415	80415	80415	80415	80415	80415	80415	3
4	80414	80414	80414	80414	80414	80414	80414	80414	80414	4
5	80413	80413	80413	80413	80413	80413	80413	80413	80413	5
6	80412	80412	80412	80412	80412	80412	80412	80412	80412	6
7	80411	80411	80411	80411	80411	80411	80411	80411	80411	7
8	80410	80410	80410	80410	80410	80410	80410	80410	80410	8
9	80409	80409	80409	80409	80409	80409	80409	80409	80409	9
10	80408	80408	80408	80408	80408	80408	80408	80408	80408	10
11	80407	80407	80407	80407	80407	80407	80407	80407	80407	11
12	80406	80406	80406	80406	80406	80406	80406	80406	80406	12
13	80405	80405	80405	80405	80405	80405	80405	80405	80405	13
14	80404	80404	80404	80404	80404	80404	80404	80404	80404	14
15	80403	80403	80403	80403	80403	80403	80403	80403	80403	15
16	80402	80402	80402	80402	80402	80402	80402	80402	80402	16
17	80401	80401	80401	80401	80401	80401	80401	80401	80401	17
18	80400	80400	80400	80400	80400	80400	80400	80400	80400	18
19	80399	80399	80399	80399	80399	80399	80399	80399	80399	19
20	80398	80398	80398	80398	80398	80398	80398	80398	80398	20
21	80397	80397	80397	80397	80397	80397	80397	80397	80397	21
22	80396	80396	80396	80396	80396	80396	80396	80396	80396	22
23	80395	80395	80395	80395	80395	80395	80395	80395	80395	23
24	80394	80394	80394	80394	80394	80394	80394	80394	80394	24
25	80393	80393	80393	80393	80393	80393	80393	80393	80393	25
26	80392	80392	80392	80392	80392	80392	80392	80392	80392	26
27	80391	80391	80391	80391	80391	80391	80391	80391	80391	27
28	80390	80390	80390	80390	80390	80390	80390	80390	80390	28
29	80389	80389	80389	80389	80389	80389	80389	80389	80389	29
30	80388	80388	80388	80388	80388	80388	80388	80388	80388	30
31	80387	80387	80387	80387	80387	80387	80387	80387	80387	31
32	80386	80386	80386	80386	80386	80386	80386	80386	80386	32
33	80385	80385	80385	80385	80385	80385	80385	80385	80385	33
34	80384	80384	80384	80384	80384	80384	80384	80384	80384	34
35	80383	80383	80383	80383	80383	80383	80383	80383	80383	35
36	80382	80382	80382	80382	80382	80382	80382	80382	80382	36
37	80381	80381	80381	80381	80381	80381	80381	80381	80381	37
38	80380	80380	80380	80380	80380	80380	80380	80380	80380	38
39	80379	80379	80379	80379	80379	80379	80379	80379	80379	39
40	80378	80378	80378	80378	80378	80378	80378	80378	80378	40
41	80377	80377	80377	80377	80377	80377	80377	80377	80377	41
42	80376	80376	80376	80376	80376	80376	80376	80376	80376	42
43	80375	80375	80375	80375	80375	80375	80375	80375	80375	43
44	80374	80374	80374	80374	80374	80374	80374	80374	80374	44
45	80373	80373	80373	80373	80373	80373	80373	80373	80373	45
46	80372	80372	80372	80372	80372	80372	80372	80372	80372	46
47	80371	80371	80371	80371	80371	80371	80371	80371	80371	47
48	80370	80370	80370	80370	80370	80370	80370	80370	80370	48
49	80369	80369	80369	80369	80369	80369	80369	80369	80369	49
50	80368	80368	80368	80368	80368	80368	80368	80368	80368	50

TABLES OF MORTALITY RATES AND LIFE EXPECTANCIES (IN YEARS)

AGE	DMBOSCOL		DMBOSCOL N		DMBOSCOL S		OFBOSCOL		OFBOSCOL N		OFBOSCOL S		GBUSPSC		GBUSPFB		GBUSPFW		GBUSPMB		GBUSPMW		AGE
	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	1000 x q _x	Life Exp _x	
0	2.63	69.96	2.63	71.86	2.63	68.58	1.88	74.94	1.88	75.66	1.88	75.66	8.36	74.87	16.44	73.24	6.67	78.96	19.77	63.96	8.62	72.22	0
1	1.03	68.17	1.03	71.05	1.03	65.76	0.84	74.08	0.84	74.81	0.84	74.81	0.73	74.58	11.43	73.46	0.59	78.49	13.74	64.27	0.86	71.85	1
2	0.88	68.24	0.88	70.12	0.88	64.83	0.80	73.87	0.80	73.87	0.80	73.87	0.48	73.63	10.69	72.54	0.37	77.53	0.85	63.35	0.49	70.89	2
3	0.97	67.31	0.97	69.19	0.97	63.89	0.78	72.20	0.78	72.83	0.78	72.83	0.37	72.87	0.51	71.60	0.29	76.56	0.69	62.41	0.37	69.93	3
4	0.93	66.37	0.93	68.26	0.93	62.85	0.77	71.26	0.77	71.99	0.77	71.99	0.30	71.69	0.40	70.63	0.23	75.58	0.54	61.45	0.32	68.95	4
5	0.88	65.43	0.88	67.32	0.88	62.01	0.75	70.31	0.75	71.04	0.75	71.04	0.27	70.72	0.37	69.66	0.21	74.80	0.48	60.48	0.28	67.96	5
6	0.83	64.48	0.83	66.38	0.83	61.03	0.73	69.37	0.73	70.09	0.73	70.09	0.25	70.33	0.32	68.69	0.19	73.82	0.43	59.51	0.26	67.00	6
7	0.78	63.54	0.78	65.43	0.78	60.12	0.71	68.42	0.71	69.15	0.71	69.15	0.23	68.85	0.27	67.71	0.17	72.63	0.38	58.51	0.24	66.01	7
8	0.75	62.59	0.75	64.48	0.75	59.16	0.70	67.47	0.70	68.20	0.70	68.20	0.20	67.77	0.24	66.73	0.16	71.64	0.34	57.56	0.22	65.03	8
9	0.74	61.64	0.74	63.53	0.74	58.21	0.69	66.51	0.69	67.24	0.69	67.24	0.18	66.78	0.23	65.74	0.15	70.65	0.27	56.58	0.19	64.04	9
10	0.75	60.69	0.75	62.58	0.75	57.25	0.68	65.56	0.68	66.29	0.68	66.29	0.16	65.78	0.22	64.76	0.14	69.66	0.22	55.59	0.18	63.08	10
11	0.81	59.73	0.81	61.63	0.81	56.30	0.70	64.60	0.70	65.33	0.70	65.33	0.16	64.80	0.23	63.77	0.14	68.67	0.22	54.61	0.17	62.07	11
12	0.82	58.78	0.82	60.68	0.82	55.34	0.73	63.65	0.73	64.38	0.73	64.38	0.22	63.81	0.25	62.79	0.17	67.68	0.35	53.62	0.24	61.06	12
13	1.07	57.84	1.07	59.73	1.07	54.39	0.77	62.70	0.77	63.43	0.77	63.43	0.32	62.83	0.28	61.80	0.21	66.70	0.42	52.64	0.39	60.09	13
14	1.24	56.90	1.24	58.80	1.24	53.45	0.82	61.74	0.82	62.48	0.82	62.48	0.47	61.85	0.33	60.82	0.27	65.71	0.67	51.67	0.59	59.11	14
15	1.42	55.97	1.36	57.87	1.36	52.52	0.87	60.79	0.86	61.53	0.86	61.53	0.63	60.68	0.39	59.84	0.37	64.72	1.37	50.72	0.81	58.15	15
16	1.59	55.05	1.48	56.95	1.48	51.61	0.92	59.85	0.90	60.58	0.90	60.58	0.77	59.92	0.45	58.96	0.40	63.75	1.73	49.79	1.02	57.20	16
17	1.72	54.14	1.57	56.03	1.57	50.71	0.98	58.90	0.93	59.63	0.93	59.63	0.89	58.96	0.51	57.89	0.45	62.78	2.05	48.88	1.18	56.25	17
18	1.82	53.23	1.63	55.12	1.63	49.82	1.00	57.98	0.98	58.69	0.98	58.69	0.96	58.01	0.58	56.82	0.47	61.80	2.31	47.98	1.27	55.32	18
19	1.88	52.33	1.67	54.21	1.67	48.93	1.03	57.07	1.01	57.78	1.01	57.78	1.01	57.09	0.61	55.91	0.48	60.83	2.52	47.09	1.32	54.39	19
20	1.90	51.42	1.68	53.30	1.68	48.04	1.06	56.08	1.01	56.80	1.01	56.80	1.04	56.13	0.72	54.98	0.48	59.86	2.74	46.21	1.36	53.48	20
21	1.90	50.52	1.68	52.38	1.68	47.15	1.08	55.14	1.03	55.86	1.03	55.86	1.09	55.19	0.80	54.03	0.50	58.89	2.98	45.33	1.41	52.54	21
22	1.88	49.62	1.63	51.48	1.63	46.28	1.10	54.20	1.04	54.92	1.04	54.92	1.12	54.25	0.88	53.07	0.51	57.92	3.17	44.47	1.45	51.61	22
23	1.84	48.71	1.59	50.56	1.59	45.37	1.12	53.25	1.06	53.98	1.06	53.98	1.14	53.31	0.96	52.12	0.51	56.95	3.30	43.61	1.48	50.69	23
24	1.80	47.80	1.55	49.64	1.55	44.47	1.15	52.31	1.08	53.03	1.08	53.03	1.18	52.37	1.03	51.17	0.51	55.98	3.36	42.78	1.50	49.78	24
25	1.75	46.89	1.50	48.72	1.51	43.57	1.17	51.37	1.10	52.09	1.10	52.09	1.17	51.43	1.10	50.22	0.51	55.01	3.44	41.90	1.51	48.83	25
26	1.72	45.97	1.47	47.79	1.47	42.68	1.20	50.43	1.13	51.15	1.13	51.15	1.19	50.49	1.18	49.28	0.51	54.04	3.51	41.05	1.53	47.91	26
27	1.70	45.06	1.44	46.88	1.44	41.79	1.24	49.50	1.15	50.21	1.15	50.21	1.18	49.55	1.21	48.34	0.53	53.08	3.63	40.19	1.56	46.98	27
28	1.70	44.13	1.44	45.93	1.45	40.83	1.28	48.56	1.18	49.28	1.18	49.28	1.28	48.61	1.30	47.40	0.56	52.09	3.82	39.30	1.57	46.06	28
29	1.72	43.20	1.44	45.00	1.45	39.89	1.32	47.62	1.22	48.32	1.22	48.32	1.33	47.67	1.51	46.48	0.58	51.12	4.07	38.49	1.69	45.13	29
30	1.75	42.28	1.45	44.08	1.45	39.00	1.37	46.68	1.25	47.38	1.25	47.38	1.40	46.73	1.65	45.53	0.62	50.15	4.33	37.64	1.77	44.21	30
31	1.85	41.35	1.50	43.15	1.50	38.08	1.42	45.75	1.28	46.44	1.28	46.44	1.48	45.61	1.80	44.61	0.64	49.18	4.56	36.81	1.85	43.29	31
32	1.87	40.42	1.52	42.19	1.52	37.17	1.47	44.81	1.33	45.50	1.33	45.50	1.54	44.67	1.91	43.69	0.70	48.21	4.85	35.88	1.93	42.37	32
33	1.95	39.50	1.58	41.28	1.58	36.25	1.54	43.88	1.38	44.56	1.38	44.56	1.62	43.94	2.03	42.77	0.74	47.25	5.13	35.15	2.01	41.45	33
34	2.05	38.58	1.65	40.32	1.65	35.34	1.61	42.94	1.44	43.62	1.44	43.62	1.70	43.01	2.16	41.86	0.78	46.28	5.44	34.33	2.10	40.53	34
35	2.17	37.65	1.73	39.43	1.73	34.43	1.70	42.03	1.51	42.69	1.51	42.69	1.82	42.58	2.29	40.95	0.82	45.32	5.77	33.52	2.18	39.62	35
36	2.32	36.74	1.82	38.48	1.82	33.52	1.82	41.09	1.61	41.75	1.61	41.75	1.98	41.16	2.48	40.04	0.84	44.33	6.12	32.72	2.30	38.70	36
37	2.48	35.82	1.94	37.53	1.97	32.62	1.96	40.16	1.73	40.82	1.73	40.82	2.18	40.23	2.59	39.14	0.94	43.39	6.45	31.82	2.40	37.79	37
38	2.68	34.91	2.07	36.60	2.11	31.72	2.13	39.24	1.88	39.89	1.88	39.89	2.07	39.31	2.75	38.24	1.02	42.44	6.75	31.12	2.50	36.88	38
39	2.80	34.01	2.18	35.67	2.23	30.82	2.20	38.30	2.00	38.96	2.00	38.96	2.17	38.40	2.93	37.35	1.11	41.48	7.02	30.34	2.60	35.98	39
40	3.03	33.10	2.31	34.75	2.36	29.90	2.25	37.37	2.12	38.04	2.12	38.04	2.38	37.48	3.13	36.48	1.21	40.52	7.30	29.50	2.71	35.07	40
41	3.42	32.21	2.56	33.84	2.64	29.08	2.35	36.51	2.35	37.12	2.35	37.12	2.40	36.58	3.35	35.57	1.31	39.57	7.62	28.77	2.83	34.16	41
42	3.71	31.32	2.75	32.92	2.86	28.21	2.40	35.61	2.53	36.21	2.53	36.21	2.54	35.65	3.59	34.69	1.43	38.63	7.99	27.89	2.98	33.26	42
43	4.03	30.43	2.98	32.01	3.10	27.35	2.45	34.71	2.71	35.30	2.71	35.30	2.74	34.74	3.84	33.82	1.57	37.68	8.41	27.21	3.17	32.38	43
44	4.37	29.56	3.19	31.11	3.34	26.53	2.53	33.82	2.89	34.41	2.89	34.41	2.82	33.88	4.14	32.95	1.64	36.74	8.84	26.45	3.41	31.46	44
45	4.73	28.69	3.45	30.21	3.65	25.68	2.68	32.94	3.09	33.50	3.09	33.50	3.18	32.94	4.42	32.06	1.93	35.80	9.46	25.68	3.70	30.57	45
46	5.12	27.83	3.73	29.31	4.03	24.83	2.82	32.06	3.30	32.60	3.30	32.60	3.48	32.04	4.78	31.22	2.15	34.87	10.10	24.93	4.04	29.69	46
47	5.53	26.97	4.03	28.42	4.38	24.01	3.19	31.19	3.53	31.71	3.53	31.71	3.80	31.15	5.19	30.37	2.40	33.95	10.81	24.18	4.41	28.81	47
48	5.97	26.12	4.36	27.54	4.76	23.19	3.42	30.32	3.75	30.82	3.75	30.82	4.14	30.27	5.64	29.53	2.71	33.03	11.55	23.45	4.79	27.93	48
49	6.48	25.28	4.72	26.66	5.18	22.38	3.79	29.46	4.04	29.94	4.04	29.94	4.48	29.40	6.12	28.70	2.91	32.12	12.32	22.72	5.18	27.07	49
50	7.00	24.44	5.13	25.79	5.60	21.60	4.00	28.60	4.34	29.06	4.34	29.06	4.90	28.53	6.84	27.88	3.21	31.21	13.14	22.00	5.64	26.21	50
51	7.6																						

OFFICIALS OF THE STATE OF ALABAMA — 1999

(See alphabetical listing under Executive Branch
for state officials' addresses)

DON SIEGELMAN, Governor

<i>Lieutenant Governor</i>	334-242-7900
Steve Windom	
<i>Attorney General</i>	334-242-7300
Bill Pryor	
<i>Secretary of State</i>	334-242-7200
Jim Bennett	
<i>State Auditor</i>	334-242-7010
Susan Parker	
<i>State Treasurer</i>	334-242-7500
Lucy Baxley	
<i>Commissioner of Agriculture and Industries</i>	334-242-2650
Charles Bishop	
<i>State Board of Education</i>	334-242-9700
50 N. Ripley St., Suite 5114 5th Floor, Montgomery, AL 36130	
<i>President</i>	334-242-7100
Governor Don Siegelman	
<i>Secretary and Executive Officer</i>	334-242-9700
Dr. Ed Richardson	
<i>1st District</i>	Bradley Byrne 334-432-3444
<i>2nd District</i>	G. J. Higginbotham 334-887-5528
<i>3rd District</i>	Stephanie Bell 334-272-2777
<i>4th District</i>	Dr. Ethel H. Hall 205-923-6093
<i>5th District</i>	Dr. Willie J. Paul 334-288-1769
<i>6th District</i>	David F. Byers, Jr. 205-933-0853
<i>7th District</i>	Sandra Ray 205-758-7777
<i>8th District</i>	Dr. Mary Jane Caylor 256-228-6822

EXECUTIVE BRANCH

Adjustment, State Board of - see Finance Department

Jim Bennett	<i>Secretary of State</i>
Susan Parker	<i>State Auditor</i>
Lucy Baxley	<i>State Treasurer</i>
Henry C. Mabry, III	<i>Director of Finance</i>

Adjutant General, see Military Department

Aeronautics, Alabama Department of334-242-4480
 770 Washington Ave., Suite 544, Montgomery, AL 36130
 John C. Eagerton*Director*

Aging, Commission on334-242-5743
 770 Washington Ave., Suite 470, Montgomery, AL 36130-1851
 Melissa Mauser Galvin.....*Executive Director*
 Affiliated entity:
Senior Citizens Hall of Fame Board

Agricultural Center Board334-242-5597
 P.O. Box 70026, Montgomery, AL 36107
 William H. Johnson, III*Executive Director*

Agriculture and Industries, State Dept. of334-240-7171
 P.O. Box 3336, Montgomery, AL 36109

Charles Bishop.....*Commissioner*
 Ron Sparks*Assistant Commissioner*
 Andy Naramore.....*Deputy Commissioner*
 Reginald L. Sorrells *Chief Legal Counsel*
 Sidney Haymon.....*Chief Accountant*
 Amy Belcher (Acting)*Publications & Information*
 David Hooks*Personnel*
 Bo McLean*General Services*
 Dr. John Gamble*Marketing & Economics*
 Dr. J. Lee Alley.....*Animal Industry*
 John Crayton*Seed*
 Lance Hester*Agricultural Commodities Inspection*
 Dr. John Bloch.....*Plant Protection & Pesticide Management*
 Steadman Hollis*Weights & Measures/Gins & Warehouses*
 Darrell Buxton*Shipping Point Inspection*
 Dave Gonsoulin*Livestock Market News*
 Herb Vanderberry*Agricultural Statistics*
 Terry Guy (Acting).....*Petroleum Commodities*
 Affiliated entities:

Alabama Agriculture Development Authority

Alabama Agricultural and Industrial Exhibit Commission

Meat and Poultry Advisory Council

State Veterinarian

Airport Authority, Alabama International.....334-242-5508
 401 Adams Ave., Montgomery, AL 36103
 BG (Ret) Ned L. Turnipseed.....*Executive Director*

- Alabama Development Office (ADO)*334-242-0400
 401 Adams Ave., Montgomery, AL 36130
 Ken C. Funderburk.....*Director*
 Affiliated entities:
Alabama Film Office334-242-4195
- Alabama Industrial Development Training*334-242-4158
 One Technology Ct., Montgomery, AL 36116
 Ed Castile.....*Director*
- Alabama Institute for Deaf and Blind*205-761-3200
 205 East S. St., Talladega, AL 35160
 Dr. Joseph F. Busta, Jr.*President*
- Alabama Law Institute* - see Legislative Branch
- Alcoholic Beverage Control (ABC) Board, Alabama*334-271-3840
 2715 Gunter Park Dr. W., Montgomery, AL 36109
 Randall C. Smith.....*Administrator*
 Lucy Parsons.....*Board Chairman*
 Wesley Barry, Jr.....*Board Member*
- American Legion & Auxiliary Scholarships*334-262-6638
 P.O. Box 1069, Montgomery, AL 36192-1001
 Braxton Bridges*State Adjutant*
- Architects, State Board for Registration of*334-242-4179
 770 Washington Ave., Suite 150, Montgomery, AL 36130
 Cynthia J. Gainey.....*Administrator*
- Archives and History, Department of*.....334-242-4361
 624 Washington Ave., Box 300100,
 Montgomery, AL 36130-0100
 Dr. Edwin C. Bridges.....*Director*
 Affiliated entities:
Alabama Academy of Honor
Government Records Commissions (local and state)
Governor's Mansion Advisory Board
Stonewall Jackson Memorial Fund
- Arts, Alabama State Council on the*334-242-4076
 201 Monroe St., Suite 100, Montgomery, AL 36130
 Al Head.....*Executive Director*
 Bill Bates*Deputy Director*
- Athlete Agent Regulatory Commission, Alabama* -
 see Secretary of State

<i>Attorney General</i>	334-242-7300
Alabama State House, 11 S. Union St., Montgomery, AL 36130	
William Pryor.....	<i>Attorney General</i>
Richard Allen.....	<i>Chief Deputy Attorney General</i>
Charla Doucet.....	<i>Administrative Division Chief</i>
Sandra Stewart.....	<i>Appeals Division Chief</i>
Clay Crenshaw.....	<i>Capital Litigation Division Chief</i>
Walter Turner.....	<i>Administrative Hearings Division Chief</i>
Don Valeska.....	<i>Violent Crimes Division Chief</i>
Bruce Lieberman.....	<i>Medicaid Fraud Division Chief</i>
Carol Smith.....	<i>Opinions Division Chief</i>
Dennis Wright.....	<i>Consumer Protection & Antitrust Section</i>
Olivia Martin.....	<i>Consumer Utilities Section</i>
Milt Belcher.....	<i>General Civil Litigation Section</i>
Craig Kneisel.....	<i>Environmental Division Chief</i>
John Gibbs.....	<i>White Collar Crime / Public Corruption Division Chief</i>
Geary Allen.....	<i>Southern Environmental Enforcement Network Director</i>
Alice Ann Byrne.....	<i>Constitutional Defense Division Chief</i>
Bill Garrett.....	<i>General Civil & Administrative Law Division Chief</i>
<i>Affiliated entities:</i>	
<i>Office of Consumer Assistance</i>	
<i>Auctioneers, Board of</i>	334-269-9990
660 Adams Ave., Suite 301, Montgomery, AL 36104	
Paula McCaleb.....	<i>Administrator</i>
<i>Auditor, State</i>	334-242-7010
State Capitol, 600 Dexter Ave., Montgomery, AL 36130	
Susan Parker.....	<i>State Auditor</i>
Carolyn Gibson.....	<i>Chief Clerk</i> 334-242-7025
<i>Banking, State Department of</i>	334-242-3452
401 Adams Avenue, Suite 680, Montgomery, AL 36130	
Norman B. Davis, Jr.....	<i>Superintendent</i>
<i>Affiliated entities:</i>	
<i>Banking Board</i>	
<i>Savings and Loan Board</i>	
<i>Bar Association, Alabama State</i>	334-269-1515
P.O. Box 671, Montgomery, AL 36101	
Keith B. Norman.....	<i>Director</i>

- Bear Creek Development Authority*205-332-4392
P.O. Box 670, Russellville, AL 35653
Shannon McKinney*Administrator*
- Budget Officer* - see Finance Department
- Building Commission, State*334-242-4082
770 Washington Ave., Suite 444, Montgomery, AL 36130
Stedmann B. McCollough*Director*
- Child Abuse & Neglect Prevention Board*334-242-5710
(*Children's Trust Fund of Alabama*)
P.O. Box 4251, Montgomery, AL 36103
Kitty Terry*Executive Director*
- Children's Services Facilitation Team, Alabama*334-242-3227
P.O. Box 301410, Montgomery, AL 36130-1410
Tony Petelos*Chairman, Executive Council*
Barry S. Blackwell*Chairman, State Team*
Donna Glass*Multiple Needs Child Coordinator*
- Chiropractic Examiners, State Board of*205-755-8000
737 Logan Road, Clanton, AL 35045
Gregory A. Kuhlmann*President*
- Chiropractic Hall of Fame Board, Alabama*334-262-2228
134 High Street, Montgomery, AL 36104
Algie Neill*Executive Director*
- Choctawhatchee, Pea and Yellow Rivers Watershed*
Management Authority334-670-3780
400 Pell Ave., Collegeview Bldg., Troy, AL 36082
Joe K. Parker*Chairman*
- Comptroller, State* - see Finance Department
- Conservation and Natural Resources, Dept. of*334-242-3486
64 N. Union St., Room 468, Montgomery, AL 36130
Riley B. Smith*Commissioner*
Vacant*Assistant Commissioner*
Vacant*Director, Div. of Game & Fish*
James Griggs*Director, Div. of State Lands*
William B. Garner*Director, Div. of Marine Police*
R. Vernon Minton*Director, Div. of Marine Resources*
Don Cooley*Acting Director, Parks Division*
Affiliated entities:
Alabama Forever Wild Land Trust
Gulf States Marine Fisheries Commission
Minerals Resource Management Committee

Consumer Protection - see Attorney General's Office

Contractors, State Licensing Board of General334-242-2839
 400 S. Union St., Suite 235, Montgomery, AL 36130
 Cherie E. Colquett*Executive Secretary*

Corrections, Department of334-353-3883
 P.O. Box 301501, Montgomery, AL 36130-1501
 Michael W. Haley*Commissioner*
 Affiliated entities:
Alabama Corrections Institution Finance Authority
Interstate Corrections Compact

Cosmetology, State Board of334-242-1918
 100 N. Union St., Suite 320, Montgomery, AL 36104
 Keith Warren*Executive Director*

Counseling, Board of Examiners205-458-8716
 950 22nd Street N, Suite 670, Birmingham, AL 35203
 Walter H. Cox*Executive Officer*

Courts, Administrative Office of - see Judicial Branch Section

Credit Union, Employees334-270-9011
 1000 Interstate Park, Montgomery, AL 36109
 Phillip Farris*Manager*

Credit Union Administration334-271-2381
 1789 Cong. Wm. L. Dickinson Dr., Montgomery, AL 36130
 T. Glenn Latham*Administrator*

Crime Victims Compensation
Commission, Alabama334-242-4007
 P.O. Box 1548, Montgomery, AL 36102-1548
 J. Philip Land*Executive Director*

Criminal Justice Information Center334-242-4900
 770 Washington Ave., Suite 350, Montgomery, AL 36130-5201
 Larry Wright*Director*

Dental Examiners, Board of256-533-4638
 2327-B Pansy St., Huntsville, AL 35801
 Dr. Robert L. Porter*President*

Dental Scholarship Awards, Board of205-934-4384
 Volker Hall, Room P115, Birmingham, AL 35294-0019
 Frieda Baldwin*Financial Officer*

- Dietetic / Nutrition, Board of Examiners*334-242-4505
 400 S. Union St., Suite 125, Montgomery, AL 36104
 Jeanne Stanfield*Executive Secretary*
- Economic and Community Affairs,*
Alabama Dept. of.....334-242-8672
 401 Adams Ave., Montgomery, AL 36103
 Dewayne Freeman.....*Director*
- Education, Commission on Higher - for higher education,*
 see sub-section at conclusion of Executive Branch section
- Education, Department*334-242-9700
 50 N. Ripley, Suite 5114, Montgomery, AL 36130
 Dr. Ed Richardson*State Superintendent of Education*
 Dr. Joseph B. Morton*Deputy State Superintendent*
 Affiliated entities:
State Courses of Study Committee
State Textbook Committee
- Education, Postsecondary - for higher education, see*
 sub-section at conclusion of Executive Branch section
- Education Study Commission, Alabama*
 % Governor's Office, 11 South Union St., Montgomery, AL 36103
- Electrical Contractors, Board of*.....334-269-9990
 660 Adams Ave., Suite 150, Montgomery, AL 36104
 Keith Warren*Executive Secretary*
 Affiliated entity:
Electrical Appeals and Advisory Board
- Elk River Development Agency, Alabama*205-732-4500
 P.O. Box 127, Hwy. 127, Elkmont, AL 35620
 Ed Sandlin.....*Executive Director*
 Jerry Bradford.....*Chairman / Chief Executive Officer*
- Emergency Management Agency, Alabama*205-280-2201
 P.O. Drawer 2160, Clanton, AL 35046
 Lee Helms*Director*
- Engineers and Land Surveyors,*
State Board of Licensure334-242-5568
 RSA Union, 100 North Union, Suite 382,
 Montgomery, AL 36130
 Mrs. Regina Dinger.....*Executive Director*

<i>Environmental Management, Alabama Dept. of</i>	334-271-7700
P.O. Box 301463, Montgomery, AL 36130	
James W. Warr	<i>Director</i>
Affiliated entities:	
<i>Alabama Water Pollution Control Authority</i>	
<i>Environmental Management Commission</i>	
<i>Recycling Industry and Market Development Council</i>	
<i>Solid Waste Management Advisory Committee</i>	
<i>Ethics Commission, Alabama</i>	334-242-2997
100 North Union St., Suite 104, Montgomery, AL 36104	
James L. Sumner, Jr.	<i>Director</i>
<i>Examiners of Public Accounts - see Legislative Branch</i>	
<i>Family Practice Rural Health Board</i>	334-242-5922
P.O. Box 1900, Montgomery, AL 36102	
Ellen Stone	<i>Executive Director</i>
<i>Farmers' Market Authority</i>	334-242-2618
770 Washington Ave., Suite 420, Montgomery, AL 36130	
Don Wambles	<i>Administrator</i>
<i>Finance Department</i>	334-242-7160
State Capitol, Montgomery, AL 36130	
Henry C. Mabry, III	<i>Director</i>
Linda Adams	<i>Confidential Assistant</i>
Jim Bryce	<i>Deputy Director</i>
vacant	<i>Assistant Director, Data Sys / Adm</i>
Bill Newton	<i>Assistant Director, Fiscal Ops.</i>
vacant	<i>Purchasing Director</i>
Robert Childree	<i>State Comptroller</i>
Lee Miller	<i>Legal Counsel</i>
Curtis Hays	<i>Chief, Division of Service</i>
<i>Fleet Manager and Capitol Police</i>	
Jerry Carpenter	<i>Risk Manager, Insurance Fund</i>
Chuck Hicks	<i>Director, Space Management</i>
Jerry Wilson	<i>Director, Printing and Publications</i>
Gene Akers	<i>Chief Information Officer</i>
vacant	<i>Director of Personnel</i>
Marsha Manning	<i>Director, Accounting & Administration</i>
Entities associated with the Finance Department:	
<i>Alabama Building Renovation Finance Authority</i>	
<i>Alabama Public School & College Authority</i>	
<i>Alabama State Parking Deck Authority</i>	
<i>Alabama Trust Fund Board</i>	

Board of Adjustment
Coosa Valley Development Authority
Employees' Suggestion Awards
Federal Aid Highway Finance Authority
Flexible Employee Benefits Board
Public Printing, Board to Approve Contracts for
Tombigbee Valley Development Authority
Trade School & Junior College Authority

Fire College and Personnel Standards Commission,
Alabama.....205-391-3779
 2501 Phoenix Drive, Tuscaloosa, AL 35405
 William Langston.....*Executive Director*

Foreign Trade Relations Commission334-433-1151
 250 N. Water St., Mobile, AL 36602
 Dr. Robert Lager*Executive Director*

Forensic Sciences, Dept. of334-887-7001
 P.O. Box 3510, Auburn, AL 36831-3510
 J. C. Upshaw Downs, MD*Director*

Foresters, State Board of Registration for334-353-3640
 513 Madison Ave., Montgomery, AL 36130
 Leonard G. Breeman.....*Chairman*
 Pamela B. Sears*Executive Assistant*

Forestry Commission, Alabama.....334-240-9304
 513 Madison Ave., Montgomery, AL 36130-2550
 Timothy C. Boyce*State Forester*
 Affiliated entity:
Alabama Forestry Study Committee

Funeral Services, Board of.....334-242-4049
 P. O. Box 309522, Montgomery, AL 36130
 Warren Higgins.....*Executive Secretary*

Government Records Commissions (Local and State) - see Archives
& History

Governor's Mansion Advisory Board -
see Historical Commission or Archives & History

Governor's Office, Executive Department
 State Capitol, N-104, 600 Dexter Ave., Montgomery, AL 36130
 Don Siegelman*Governor*
 Nick Bailey*Executive Secretary*
 Dannie Shockley*Recording Secretary*

Fournier J. Gale, III.....*Legal Advisor*
 Kristin Carvell.....*Press Secretary*
 Sharon Rose.....*Director, Legislative Affairs*
 Raymond Bell.....*Appointments Secretary*
 Jesi McCaul.....*Scheduling Secretary*
 Affiliated entities:
State Beautification Board
State Commission on National & Community Service
Southern Growth Policies Board

Gulf Coast Exploreum Science Museum.....334-208-6851
 65 Government St., Mobile, AL 36602
 W. Michael Sullivan.....*Executive Director*

Health, Department of Public.....334-206-5200
 The RSA Tower, 201 Monroe St., Montgomery, AL 36104
 Dr. Donald E. Williamson.....*State Health Officer*
 Dr. Clyde Borganier.....*Director, Office of Primary Care and
 Rural Health*
 Ed Davidson.....*Director, Financial Services*
 Diane Sims.....*Acting Director, Program Integrity*
 John Wible.....*General Counsel*
 Sandra Wood.....*Director, Personnel & Staff Development*
 Bill Coleman.....*Director, Facilities Management*
 Dr. William Callan.....*Director, Clinical Laboratories*
 Leon Barwick.....*Director, Information Services*
 William P. Allinder.....*Director, Environmental Services*
 Dr. Charles Woernle.....*Assistant State Health Officer for
 Disease Control and Prevention*
 Dr. Thomas Miller.....*Director, Family Health Services*
 Kirk Whatley.....*Director, Office of Radiation Control*
 Rick Harris.....*Director, Health Provider Standards*
 Myra Downs.....*Director, Home and Community Services*
 Kathy Vincent.....*Acting Director, Professional &
 Support Services*
 Dr. Jim McVay.....*Director, Health Promotion & Information*
 Affiliated entity:
Alabama Public Health Finance Authority

Health Planning and Development Agency, State.....334-242-4103
 100 North Union St., Suite 870, Montgomery, AL 36104
 Alva M. Lambert.....*Executive Director*
 Affiliated entity:
State Health Coordinating Council
Certificate of Need Review Board

- Hearing Instrument Dealers, Board of*.....334-242-1925
 400 S. Union St. Suite 125, Montgomery, AL 36130-3010
 Jeanne Stanfield*Executive Secretary*
- Heating and Air Conditioning Board*.....334-242-5550
 100 N. Union Street, Suite 630, Montgomery, AL 36130
 Jane Knott.....*Executive Secretary*
- High School Athletic Association, Alabama*.....334-242-5655
 926 Pelham St., Montgomery, AL 36104
 Daniel Washburn*Executive Director*
- Historic Blakely Authority*.....334-580-0005
 33707 State Highway 225, Spanish Fort, AL 36577
 Jo Ann Flirt*Interim Director*
- Historic Chattahoochee Commission*334-687-9755
 P.O. Box 33, Eufaula, AL 36072-0033
 Douglas Clare Purcell*Executive Director*
- Historic Ironworks Commission, Alabama*205-477-5711
 (Formerly Tannehill Furnace and Foundry Commission)
 Tannehill Ironworks Historical State Park,
 12632 Confederate Pkwy., McCalla, AL 35111
 Martin Everse*Parks Administrator*
 Vicki Gentry.....*Iron and Steel Museum*
 S. M. Mahan*Brierfield Ironworks Historical State Park*
- Historical Commission, Alabama*.....334-242-3184
 468 S. Perry St., Montgomery, AL 36130
 Elizabeth Ann Brown.....*Acting Executive Director*
 Affiliated entity:
 Governor's Mansion Advisory Board
 Cahaba Advisory Committee334-875-2529
- Home Builders Licensure Board*.....334-242-2230
 400 S. Union St., Suite 195, Montgomery, AL 36130-3605
 J. R. Carden, Jr.*Executive Director*
- Housing Finance Authority*.....334-244-9200
 2000 Interstate Park Dr., Suite 408, Montgomery, AL 36109
 Robert Strickland.....*Executive Director*
- Human Resources, Department of*.....334-242-1160
 50 Ripley St., 2nd Floor, Montgomery, AL 36130
 Tony Petelos.....*Commissioner*
 Affiliated entities:
Interstate Compact on the Placement of Children

<i>Indian Affairs Commission</i>	334-242-2831
One Court Square, Suite 106, Montgomery, AL 36104	
Darla Graves	<i>Executive Director</i>
Affiliated entity:	
<i>Alabama Indian Housing Authority</i>	
<i>Industrial Relations, Department of</i>	334-242-8990
Industrial Relations Bldg., 649 Monroe St.,	
Montgomery, AL 36131	
Alice McKinney	<i>Director</i>
Sylvia C. Williams	<i>Chief, Employment Service Division</i>
Tom J. Ventress	<i>Chief, State Programs Division</i>
James B. Abrams	<i>Chief, Unemployment Compensation</i>
Frank D. Marsh	<i>General Counsel</i>
Robert Langley	<i>Chief, Finance Division</i>
Scottie Spates	<i>Chief, Workers' Compensation</i>
Douglas B. Dyer	<i>Chief, Research and Statistics</i>
Harris L. Cornett	<i>Chief, Human Resources Division</i>
S. Anthony Piel	<i>Chief, Information Systems Division</i>
Neil R. Smart, Jr.	<i>Chief, Planning & Systems Analysis Div.</i>
Craig Donley	<i>Legislative Liaison</i>
James A. Webb	<i>Chief, Appeals and Hearings Division</i>
Erskine Banks	<i>Chief, EEO and Grievance Division</i>
Deborah A. Herbert	<i>Public Information Officer</i>
<i>Insurance, State Department of</i>	334-269-3550
201 Monroe Street, Suite 1700, Montgomery, AL 36104	
D. David Parsons	<i>Acting Commissioner</i>
Richard Ford	<i>Chief Examiner</i>
Denise B. Azar	<i>Acting Chief of Receivership</i>
Affiliated entities:	
<i>Alabama Insurance Board</i>	
<i>State Board of Registration for Interior Designers</i>	256-340-9003
P.O. Box 969, Decatur, AL 35602	
Shirley Hammond	<i>Chairman</i>
<i>Judicial Inquiry Commission</i> - see Judicial Branch	
<i>Labor, Department of</i>	334-242-3460
100 North Union St. Suite 620, Montgomery, AL 36130	
Barney Weeks	<i>Acting Commissioner</i>
James Barnhart	<i>Assistant Commissioner</i>
<i>Landscape Architects Board</i>	334-262-1351
908 S. Hull St., Montgomery, AL 36104	
Joann B. Brock	<i>Administrator</i>

<i>Legislative Reference Service</i>	334-242-7560
11 S. Union Street, Suite 613, Montgomery, AL 36130	
Jerry L. Bassett	<i>Director</i>
<i>Legislative Fiscal Office</i>	334-242-7950
11 S. Union Street, Suite 620, Montgomery, AL 36130	
Joyce Bigbee	<i>Director</i>
<i>Library Service, Alabama Public</i>	334-213-3900
6030 Monticello Dr., Montgomery, AL 36130	
Lamar Veatch	<i>Director</i>
<i>Lieutenant Governor's Office</i>	334-242-7900
11 S. Union St., Suite 725, Montgomery, AL 36130	
Steve Windom	<i>Lieutenant Governor</i>
<i>Liquefied Petroleum Gas Board, Alabama</i>	334-242-5649
818 S. Perry St., Montgomery, AL 36104	
Loretta V. Cook	<i>Executive Assistant</i>
<i>Manufactured Housing Commission, Alabama</i>	334-242-4036
350 S. Decatur Street, Montgomery, AL 36104	
Jimmy B. Sloan	<i>Administrator</i>
<i>Marine Environmental Sciences Consortium</i>	334-861-2141
Dauphin Island SeaLab	
101 Bienville Rd., Dauphin Island, AL 36528	
George Crozier	<i>Director</i>
<i>Medicaid Agency, Alabama</i>	334-242-5000
P.O. Box 5624, Montgomery, AL 36103	
Dale Walley	<i>Commissioner</i>
<i>Medical Examiners, State Board of</i>	334-242-4116
848 Washington Ave., Montgomery, AL 36104	
William M. Lightfoot, M.D.	<i>Chairman</i>
<i>Medical Licensure Commission</i>	334-242-4153
848 Washington Ave., Montgomery, AL 36104	
Jerry N. Gurley, M.D.	<i>Executive Director / Chairman</i>
<i>Medical Scholarship Awards, Board of</i>	205-934-4384
Volker Hall, Room P115, Birmingham, AL 35294-0019	
Freida Baldwin	<i>Financial Officer</i>
<i>Men's Hall of Fame</i>	205-870-2362
c/o Samford University, P.O. Box 2307, Birmingham, AL 35229	
Evelyn Stough	<i>Executive Secretary</i>

Mental Health & Mental Retardation, State Dept. of334-242-3107
 100 North Union St., Montgomery, AL 36130-1410

Kathy E. Sawyer*Commissioner*

Ross V. Hart*Assoc. Commissioner for Administration*

Cathy Maddox*Assoc. Commissioner for Mental Retardation*

O'Neill Pollingue*Director, Substance Abuse*

Kimberly S. Ingram*Assoc. Commissioner for Mental Illness*

Affiliated entities:

Alabama Family Trust Board of Trustees

Alabama Mental Health Finance Authority

Bond Commission for Construction of Mental Health Facilities

Mental Health Capital Outlay Oversight Commission

Military Department334-271-7200

1720 Cong. W.L. Dickinson Dr., Montgomery, AL 36109-0711

Willie A. Alexander*Adjutant General*

Affiliated entity:

Armory Commission of Alabama

Military Hall of Honor, Alabama334-683-2346

1101 Washington St., Marion Military Institute,

Marion, AL 36756

Colonel John Gible*Director*

Mine Personnel, Examiners of205-254-1275

P.O. Box 10444, Birmingham, AL 35202

Jerry L. Scharf*Ex Officio Chairman*

Motorsports Hall of Fame, International256-362-5002

P.O. Box 1018, Talledega, AL 35161

Don Naman*Executive Director*

Mowa Choctaw Housing Authority334-829-5000

1080 A Reservation Rd., Mt. Vernon, AL 36560

Craig T. Taylor*Director*

Music Hall of Fame Board, Alabama256-381-4417

P.O. Box 709, Tuscumbia, AL 35674

David Johnson*Executive Director*

Affiliated entity:

Alabama Music Hall of Fame Authority

Nursing, Board of334-242-4184

770 Washington Ave., Suite 250, Montgomery, AL 36130

Lynn Norman*Interim Executive Officer*

Nursing Home Administrators, State of Alabama

Board of Examiners for334-271-6214

4156 Carmichael Rd., Montgomery, AL 36106

Katrina G. Magdon*Executive Secretary*

- Occupational Therapy, Board of*.....334-353-4466
P.O. Box 304510, Montgomery, AL 36130-4510
Ann Cosby*Executive Director*
- Oil and Gas Board & Geological Surveys of Alabama*205-349-2852
420 Hackberry Lane, Tuscaloosa, AL 35401
Dr. Donald F. Oltz*Supervisor*
- Optometric Scholarship Awards, Board of*205-934-4384
Volker Hall, Room P115, Birmingham, AL 35294-0019
Freida Baldwin*Financial Officer*
- Optometry, State Board of*256-538-9903
P.O. Box 448, Attalla, AL 35954
Dr. Robert P. Pharr.....*Executive Director*
- Pardons and Paroles, State Board of*334-242-8700
500 Monroe St., Montgomery, AL 36130
Donald L. Parker*Executive Director*
- Peace Officers Annuity Fund*334-242-4079
514 S. McDonough St., Montgomery, AL 36102
John E. Hixon, Jr.*Executive Director*
- Peace Officers' Hall of Fame Board, Alabama*334-242-3440
514 Washington St., Montgomery, AL 36104
Jerry Shoemaker*Secretary*
- Peace Officers' Standards and Training Commission*....334-242-4045
100 Union St., Suite 600, Montgomery, AL 36103
Chief R. Alan Benefield*Executive Secretary*
- Personnel, State Dept. of*334-242-3389
Folsom Administrative Bldg., 3rd Floor,
Montgomery, AL 36130-4100
Thomas Flowers.....*Director*
- Pharmacy, Alabama Board of*205-967-0130
1 Perimeter Park S., Suite 425-South, Birmingham, AL 35243
Jerry Moore*Executive Director*
- Physical Fitness & Sports, Governor's Commission on* ...334-242-4496
560 S. McDonough St., Montgomery, AL 36130
Ronnie Floyd.....*Acting Executive Director*
Don Camp*Program Coordinator*

<i>Physical Therapy, State Board</i>	334-242-4064
100 N. Union St., Suite 627, Montgomery, AL 36130	
Herbert R. Caillouet	<i>Chairman</i>
Kathryn Brown	<i>Executive Director</i>
<i>Pilotage Commission, State</i>	334-479-9247
P.O. Box 273, Mobile, AL 36601	
Capt. John C. Gray	<i>Chairman</i>
<i>Plumbers & Gas Fitters Examining Board</i>	205-945-4857
11 W. Oxmoor Rd., Suite 104, Birmingham, AL 35209	
Ed Lawrence	<i>Executive Director</i>
Larry Hodges	<i>Deputy Director</i>
<i>Podiatry, Board of</i>	205-995-8537
13 Innisbrook Ln., Birmingham, AL 35242	
Thomas S. Godfry, DPM	<i>President</i>
<i>Polygraph Examiners, Board of</i>	334-260-1182
2720-D W. Gunter Park Dr., Montgomery, AL 36109	
Pyron G. Pound, Jr.	<i>Chairman</i>
<i>Prosecution Services, Office of</i>	334-242-4191
515 S. Perry St., Montgomery, AL 36104	
Tom Sorrells	<i>Director</i>
<i>Psychology, State Board of Examiners</i>	334-242-4127
660 Adams Ave., Suite 360, Montgomery, AL 36104	
Ms. Greer L. Berns	<i>Executive Officer</i>
<i>Public Accountancy, Alabama State Board of</i>	334-242-5700
770 Washington Ave., Suite 236, Montgomery, AL 36130-0375	
J. Lamar Harris, CPA	<i>Executive Director</i>
<i>Public Safety, Department of</i>	334-242-4385
Public Safety Bldg., 500 Dexter Ave., Montgomery, AL 36130	
Lt. Colonel M. B. Sullivan	<i>Acting Director</i>
Capt. F.A. Bingham	<i>Acting, Chief, Drivers License Division</i>
Capt. C.A. Sutton	<i>Acting, Chief, Highway Patrol Division</i>
Major C. K. Hallford	<i>Chief, Administrative Division</i>
Capt. C. McElvaine	<i>Acting, Chief, ABI</i>
Major Charles E. Andrews	<i>Chief, Service Division</i>
<i>Public School and College Authority - see Finance Department</i>	

- Public Service Commission, Alabama*334-242-5209
 100 North Union St., Montgomery, AL 36104
 Jim Sullivan*President*, 334-242-5207
 Jan Cook*Associate Commissioner, No. 1*, 334-242-5203
 George C. Wallace, Jr.*Associate Commissioner, No. 2*, 334-242-5191
 Walter Thomas*Secretary*, 334-242-5218
- Public Television, Alabama*205-328-8756
 2112 11th Ave. S., Suite 400, Birmingham, AL 35205-2884
 Judy Stone*Executive Director*
 Affiliated entities:
Alabama Educational Television Commission
Alabama Educational Television Foundation Authority
- Real Estate Appraisers Board, Alabama*334-242-8747
 100 North Union St., Suite 370, Montgomery, AL 36104
 J. W. Holland, Jr.*Executive Director*
- Real Estate Commission, Alabama*334-242-5544
 1201 Carmichael Way, Montgomery, AL 36106
 D. Philip Lasater*Executive Director*
- Reapportionment Office, Legislative -*
 see Legislative Branch section
- Regional Planning Commissions*
- Alabama-Tombigbee Regional Commission*334-682-4234
 107 Broad St., Camden, AL, 36726
 John C. Riggs*Executive Director*
- Birmingham Regional Planning Commission*205-251-8139
 2112 11th Ave. S., Suite 220, Birmingham, AL 35205
 Larry Watts*Executive Director*
- Central Alabama Regional Planning
 & Development Commission*334-262-4300
 125 Washington Ave., 3rd Floor, Montgomery, AL 36104
 Tracy P. Delaney*Acting Executive Director*
- East Alabama Regional Planning &
 Development Commission*256-237-6741
 P.O. Box 2186, Anniston, AL 36202
 James W. Curtis*Executive Director*
- Lee-Russell Council of Governments*334-749-5264
 2207 Gateway Drive, Opelika, AL 36801
 Suzanne Burnette*Executive Director*

*North Central Alabama Regional Council
of Governments*256-355-4515
216 Jackson Street, Decatur, AL 35601
Ronald Matthews*Executive Director*

*Northwest Alabama Council of
Local Governments*205-389-0500
P.O. Box 2603, Muscle Shoals, AL 35662
Sam Minor*Executive Director*

South Alabama Regional Planning Commission ...334-433-6541
P.O. Box 1665, Mobile, AL 36633
Russell J. Wimberly*Executive Director*

South Central Alabama Development Commission...344-244-6903
5900 Carmichael Place, Montgomery, AL 36117
Tyson Howard*Executive Director*

*Southeast Alabama Regional Planning &
Development Commission*.....334-794-4093
P.O. Box 1406, Dothan, AL 36302
W. Fred Dykes.....*Executive Director*

Top of Alabama Regional Council of Governments ...256-533-3330
115 Washington St., S.E., Huntsville, AL 35801
Robert Culver*Executive Director*

West Alabama Planning & Development Council....205-333-2990
4200 Hwy. 69 N., Suite 1, Northport, AL 35473-2048
Robert Lake*Executive Director*

Registrars, Board of Appointment of - see Voter Registration

Rehabilitation Services, Dept. of.....334-281-8780
2129 East-South Blvd., Montgomery, AL 36116

Lamona H. Lucas.....*Commissioner*

Affiliated entity:

Alabama' Early Intervention System

Children's Rehabilitation Service

Vocational Rehabilitation Service

Hemophilia Service Program

State of Alabama Independent Living (SAIL) Program

Business Enterprise Program

Statewide Technology Access and Response (STAR) System

Governor's Committee on Employment of People with Disabilities

Older Alabamians System of Information and Services (OASIS)

<i>Retirement Systems of Alabama</i>	334-832-4140
<i>Judicial Retirement Fund</i>	
<i>Employees' Retirement System</i>	
<i>Teachers' Retirement System of Alabama</i>	
135 S. Union St., Montgomery, AL 36130	
Dr. David Bronner	Chief Executive Officer
Affiliated entities:	
<i>Alabama Heritage Trust Fund</i>	
<i>Public Education Employees' Health Insurance Fund</i>	
<i>Revenue, Department of</i>	334-242-1175
50 N. Ripley, Room 4112, Montgomery, AL 36132	
James P. Hayes, Jr.	Commissioner
George M. Mingledorff, III	Asst. Commissioner
Lewis A. Easterly	Department Secretary
William Thompson	Director, Administrative Law Division
Ron Bowden	Director, Legal Division
Bill Bass	Director, Property Tax Division
Dwight Pridgen	Director, Collection Services Division
Cynthia Underwood	Director, Individual / Corporate Tax Div.
A. M. Franklin	Director, Information Processing Division
Charles E. Crumbley	Director, Investigations Division
Terry Lane	Director, Motor Vehicle Division
Charlie M. Lassiter	Director, Personnel / Training Division
John H. Mann	Director, Research Division
Ernest Broadhead	Director, Sales, Use & Business Tax Division
<i>Safety Coordinating Committee, State</i>	334-242-3288
400 S. Union St., Montgomery, AL 36104	
Catherine R. Hunt	Director
<i>School of Fine Arts, Alabama</i>	205-252-9241
1800 8th Ave. N., Birmingham, AL 35203	
John Northrop	Executive Director
<i>School of Mathematics & Science, Alabama High</i>	334-441-2102
1255 Dauphin St., Mobile, AL 36604-2519	
Dr. David Laurensen	Executive Director
<i>Secretary of State</i>	334-242-7200
State Capitol, 600 Dexter Ave., Room S-105, Montgomery, AL 36130	
Jim Bennett	Secretary of State
Charles Grainger, Jr.	Legal Advisor
Hilda Kendrick	Deputy Secretary
Steve Prince	Deputy Secretary
Affiliated entities:	
<i>Athlete Agent Regulatory Commission</i>	
<i>Board of Canvassers of Election Returns</i>	
<i>Home Inspectors Registration</i>	

- Securities Commission, State*334-242-2984
 770 Washington Ave., Suite 570, Montgomery, AL 36130
 Joseph P. Borg*Director*
- Senior Citizens Hall of Fame, Alabama* - see Aging Commission
- Shakespeare Festival Theatre Finance Authority, Alabama*.....205-348-8346
 401 Queen City Ave., Tuscaloosa, AL 35401-1551
 Thomas C. Meredith.....*Chairperson*
- Social Workers Examiners Board*334-242-5860
 64 N. Union St., Montgomery, AL 36130
 Alice King*Executive Assistant*
- Soil and Water Conservation Committee, Alabama*334-242-2620
 100 N. Union St., Suite 334, Montgomery, AL 36104-3702
 Stephen Cauthen*Executive Director*
 Affiliated entities:
Alabama Agriculture & Conservation Development Commission
State Board of Registration for Professional Soil Classifiers
- Southern Development Council*334-244-1801
 4101-C Wall St., Montgomery, AL 36106
 Tamara Lee*Executive Director*
- Space and Rocket Center, U.S.*205-837-3400
 One Tranquility Base, P.O. Box 070015, Huntsville, AL 35807
 Michael Wing.....*President / CEO*
 Affiliated entities:
Alabama Space Science Exhibit Commission
Alabama Space Science Exhibit Finance Authority
- Speech Language Pathology & Audiology Board of Examiners*.....334-269-1434
 400 S. Union St., Suite 295, Montgomery, AL 36104
 Randolph P. Reaves*Executive Secretary*
- Sports Hall of Fame Board, Alabama*205-323-6665
 2150 Civic Center Blvd., Box 10163, Birmingham, AL 35202-0163
 Bill Legg*Executive Director*
- St. Stephens Historical Commission*334-246-6790
 P.O. Box 78, St. Stephens, AL 36569
 Jim Long*Director*
- State Docks Department*.....334-441-7200
 P.O. Box 1588, Mobile, AL 36633
 Jack Ravan.....*Director*

- State Employees' Insurance Board*334-242-4301
 201 Monroe St., Suite 1650, Montgomery, AL 36130
 William L. Ashmore, CPA*Executive Director*
- State Industrial Development Authority*334-242-0400
 401 Adams Ave., Suite 670, Montgomery, AL 36104
 Kenneth Funderburk*President*
- State Oil and Gas Board*.....205-349-2852
 P.O. Box 86999, Tuscaloosa, AL 35486-6999
 Dr. Donald F. Oltz*Oil & Gas Supervisor*
- Supercomputer Authority*
 Network Office.....256-971-7404
 686 Discovery Dr., Suite 758, Huntsville, AL 35806
 Business Office.....334-242-0100
 401 Adams Ave., Montgomery, AL 36104
 James H. Rowell*Acting Chief Executive Officer*
- Surface Mining Commission*.....205-221-4130
 P.O. Box 2390, Jasper, AL 35502-2390
 Randall C. Johnson.....*Director*
- Tannehill Furnace and Foundry Commission*
 - see Historic Ironworks
- Tennessee-Tombigbee Waterway Development Authority*..601-328-3286
 P.O. Drawer 671, Columbus, MS 39703
 Donald G. Waldon*Administrator*
- Tennessee Valley Authority*205-729-2000
Browns Ferry Nuclear Plant
 P.O. Box 2000, Decatur, AL 35609-2000
 Karl W. Singer.....*Site Vice President*
- Tennessee Valley Exhibit Commission*256-764-5900
 Renaissance Tower, One Hightower Pl., Florence, AL 35630
 Denzel L. Clark*Executive Director*
- Tenure Commission, State*334-834-9790
 P.O. Box 4177, Montgomery, AL 36195
 Dr. Paul R. Hubbert*Ex Officio Secretary*
- Tourism and Travel, Bureau of*334-242-4169
 P.O. Box 4927, Montgomery, AL 36103-4927
 Frances Smiley.....*Acting Director*

- Transportation, Department of*.....334-242-6311
P.O. Box 3050, Montgomery, AL 36130
G. M. Roberts*Director*
Affiliated entities:
Aeronautics Commission
Alabama Enterprise Zone Advisory Board
Alabama Highway Authority
Alabama Highway Finance Corporation
Alabama Industrial Access Road & Bridge Corporation
Alabama Resource Development Commission
Alabama Toll Road, Bridge, and Tunnel Authority
American Association of State Highway & Transportation
Officials
Coosa Valley Development Authority
Federal Aid Highway Finance Authority
Mississippi-Louisiana-Alabama Rapid Rail Transit Commission
Publicity and Information Advisory Board
Southeastern Assoc. of State Highway & Transportation
Officials
State Safety Coordinating Committee
The Governor's Advisory Panel for the Prevention of Disabilities
Tombigbee Valley Development Authority
Travel and Tourism Advisory Board
- Treasurer, State of Alabama*.....334-242-7500
State Capitol, 600 Dexter Ave., Montgomery, AL 36130
Lucy Baxley*Treasurer*
Affiliated entities:
Unclaimed Property Division
Linked Deposit Program
Wallace-Folsom Prepaid College Tuition Trust Fund
- Trooper, State - see Public Safety*
- Uniform State Laws, Commission on*.....205-348-1125
University of Alabama School of Law, Room 310,
Tuscaloosa, AL 35487
Thomas L. Jones*Chairman*
- USS Alabama Battleship Commission*334-433-2703
P.O. Box 65, Mobile, AL 36601
Bill Tunnell*Executive Director*
- Veterans' Affairs, State Department of*.....334-242-5077
P.O. Box 1509 Montgomery, AL 36102-1509
Frank D. Wilkes.....*Director*
- Veterinarian, State - see Agriculture & Industries*

- Veterinary Medical Examiners, Alabama State Board* ...256-353-3544
P.O. Box 1968, Decatur, AL 35602-1968
Theresa S. Chandler*Executive Director*
- Voter Registration*334-242-4337
11 S. Union St., Montgomery, AL 36130
Anita Tatum.....*Director*
- Washington County Port Authority*334-847-2208
P.O. Box 146, Chatom, AL 36518
- White House Association, The*.....334-242-4624
644 Washington Ave., Montgomery, AL 36130
First White House of the Confederacy
Mrs. John H. Napier, III.....*Regent*
- Women's Commission, Alabama*334-242-8303
c/o Dept. of Industrial Relations,
Division, 649 Monroe St., Montgomery, AL 36131
Babs W. Hart*Chairperson*
- Women's Hall of Fame Board*334-683-5243
P.O. Box 120, Marion, AL 36756
Rhett Seymour.....*Executive Secretary-Treasurer*
- Youth Services Board, Alabama*334-215-3800
P.O. Box 66, Central Office, Mt. Meigs, AL 36057
Walter Wood*Director*
Affiliated entity:
Interstate Compact on Juveniles

HIGHER EDUCATION AGENCIES

- Alabama Commission on Higher Education*.....334-242-1998
P.O. Box 302000, Montgomery, AL 36130-2000
Dr. Henry J. Hector*Executive Director*
- Alabama Department of Postsecondary Education*334-242-2900
401 Adams Ave., Montgomery, AL 36130-2130
Dr. Fred Gainous*Chancellor*
- Alabama Industrial Development Training
Institute (AIDT)*334-242-4158
One Technology Ct., Montgomery, AL 36116
Ed Castile.....*Director*

STATE COLLEGES AND UNIVERSITIES

<i>Alabama Agricultural and Mechanical (A&M)</i>	
<i>University</i>	205-851-5000
P. O. Box 1357, Normal, AL 35762	
Dr. John Gibson.....	<i>President</i>
<i>Alabama State University</i>	334-229-4100
P.O. Box 271, Montgomery, AL 36101-0271	
Dr. William H. Harris	<i>President</i>
<i>Athens State University</i>	205-233-8100
300 N. Beaty St., Athens, AL 35611	
Dr. Jerry Bartlett	<i>President</i>
<i>Auburn University</i>	334-844-4000
105 Samford Hall, Auburn University, AL 36849	
Dr. William V. Muse.....	<i>President</i>
Affiliated entities:	
<i>Water Resources Research Institute</i>	334-844-5075
<i>Auburn University at Montgomery</i>	334-244-3000
7300 University Dr., Montgomery, AL 36117-3596	
Dr. Roy Saigo.....	<i>Chancellor</i>
<i>Jacksonville State University</i>	205-782-5781
700 Pelham Rd., Jacksonville, AL 36265-9982	
William A. Meehan.....	<i>President</i>
<i>Troy State University</i>	334-670-3000
University Ave., Troy, AL 36082-0001	
Dr. Jack Hawkins, Jr.	<i>Chancellor</i>
<i>Troy State University at Dothan</i>	334-983-6556
P.O. Box 8368, Dothan, AL 36304	
Dr. Mike Malone.....	<i>President</i>
<i>Troy State University in Montgomery</i>	334-834-1400
231 Montgomery St., Montgomery, AL 36103	
Dr. Glenda S. McGaha-Curry	<i>President</i>
<i>University of Alabama System</i>	205-348-5121
401 Queen City Ave., Tuscaloosa, AL 35401	
Dr. Thomas C. Meredith.....	<i>Chancellor</i>

- University of Alabama*205-348-6010
P.O. Box 870231, Tuscaloosa, AL 35487-0231
Dr. Andrew Sorensen*President*
Affiliated entity:
Gorgas Memorial Board
- University of Alabama at Birmingham*.....205-934-4011
University Station, Birmingham, AL 35294
Dr. W. Ann Reynolds.....*President*
Affiliated entity:
Board for Distribution & Delivery of Dead Bodies
- University of Alabama in Huntsville*.....205-890-6120
118 Madison Hall, Huntsville, AL 35899
Dr. Frank A. Franz.....*President*
- University of Montevallo*205-665-6000
Station 6001, Montevallo, AL 35115
Dr. Robert M. McChesney.....*President*
- University of North Alabama*205-760-4100
P.O. Box 5004, Florence, AL 35632-0001
Dr. Robert L. Potts*President*
- University of South Alabama*334-460-6101
307 University Blvd., Mobile, AL 36688
V. Gordon Moulton*President*
Affiliated entities:
Alabama High School Legislative Leadership Academy
- University of West Alabama*.....205-652-3400
Station 2, Livingston, AL 35470
Dr. Ed Roach.....*President*

ALABAMA STATE JUNIOR AND TECHNICAL COLLEGES

- Alabama Southern Community College*334-575-3156
P.O. Box 2000, Monroeville, AL 36461
Dr. John A. Johnson*President*
- Ayers State Technical College*256-835-5400
P.O. Box 1647, Anniston, AL 36202-1647
Dr. Ed Meadows*President*
- Bessemer State Technical College*.....205-428-6391
P.O. Box 308, Bessemer, AL 35021
Dr. W. Michael Bailey*President*

- Bevill State Community College*205-648-3271
P.O. Box 800, Sumiton, AL 35148
Dr. Harold Wade*President*
- Brewer Campus*205-952-3221
2631 Temple Avenue, Fayette, AL 35555
- Hamilton Campus*205-921-3177
P.O. Drawer 9, Hamilton, AL 35570
- Walker College Campus*205-387-0511
1411 Indiana Avenue, Jasper, AL 35501
- Bishop State Community College, S.D.*334-690-6416
351 N. Broad St., Mobile, AL 36603-5898
Dr. Yvonne Kennedy*President*
- Carver Campus*334-473-8692
414 Stanton St., Mobile, AL 36617
- Southwest Campus*334-479-7476
925 Dauphin Island Pkwy, Mobile, AL 36603-3299
- Baker-Gaines Central Campus*334-405-4400
1365 Dr. Martin Luther King, Jr. Avenue, Mobile, AL
- Calhoun Community College, John C.*256-306-2500
P.O. Box 2216, Decatur, AL 35609-2216
Dr. Richard Carpenter*President*
- Central Alabama Community College*256-234-6346
P.O. Box 699, Alexander City, AL 35011
Dr. James H. Cornell*President*
- Childersburg Campus*256-378-5576
P.O. Box 389, Childersburg, AL 35044
- Chattahoochee Valley Community College*334-291-4900
2602 College Dr., Phenix City, AL 36869
Dr. Richard Federinko*President*
- Drake State Technical College, J.F.*256-539-8161
3421 Meridian St. N., Huntsville, AL 35811
Dr. Johnny L. Harris*President*
- Enterprise State Junior College*334-347-2623
P.O. Box 1300, Enterprise, AL 36331
Dr. Stafford L. Thompson*President*

- Faulkner State Community College, James H.*334-580-2100
 1900 U.S. Hwy. 31 S., Bay Minette, AL 36507
 Dr. Gary L. Branch.....*President*
- Fairhope Campus*.....334-990-0420
 450 Fairhope Avenue, Fairhope, AL 36532
- Gulf Shores Campus*.....334-968-3104
 3301 Gulf Shores Parkway, Gulf Shores, AL 36542
- Gadsden State Community College*256-549-8200
 P.O. Box 227, Gadsden, AL 35902-0227
 Dr. Victor B. Ficker*President*
- Valley Street Campus*256-549-8671
 600 Valley Street, Gadsden, AL 35901
- Ingram State Technical College, J.F.*334-285-5177
 P.O. Box 220350, Deatsville, AL 36022
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- Jefferson Davis Community College*334-867-4832
 P.O. Box 958, Brewton, AL 36426
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- Atmore Campus*334-368-8118
 P.O. Box 1119, Atmore, AL 36502
- Jefferson State Community College*800-239-5900
 2601 Carson Rd., Birmingham, AL 35215-3098
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- Lawson State Community College, T.A.*205-925-2515
 3060 Wilson Rd., SW., Birmingham, AL 35221
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 P.O. Box 2545, Muscle Shoals, AL 35662
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3920 Troy Hwy., Montgomery, AL 36116-2699
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P.O. Box 2000, Hanceville, AL 35077-2000
Dr. James C. Bailey.....*President*
- Wallace Community College, George C.*334-983-3521
Rte. 6 Box 62, Dothan, AL 36303
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<i>Associate Justice</i>	
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<i>Associate Justice</i>	

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<i>Judge</i>	
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<i>Judge</i>	
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<i>Judge</i>	
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<i>Judge</i>	

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<i>Judge</i>	
Frank A. Long, Sr.	334-242-4652
<i>Presiding Judge</i>	
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1999**

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1999 ORGANIZATIONAL, REGULAR AND FIRST EXTRAORDINARY SESSIONS

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